

Transcript of the Testimony of  
**ERIC DAVIS**

**Date:** September 21, 2023

**Case:** WESTMORELAND VS. DART

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September 21, 2023

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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

EUGENE WESTMORELAND, )  
Plaintiff, )  
vs. ) No. 1:23-cv-01851  
THOMAS DART, Sheriff of )  
Cook County, COOK COUNTY, )  
ILLINOIS, OFFICER E. )  
ARREGUIN, and NURSE )  
JEFFERSON, )  
Defendants. )

This is the deposition of ERIC DAVIS, called by the Plaintiff for examination, taken via Zoom videoconferencing, taken pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before PEGGY A. ANDERSON, a Certified Shorthand Reporter of the State of Illinois, on September 21, 2023, at 11:00 o'clock a.m.

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1 A P P E A R A N C E S: Page 2  
2  
3 THE LAW OFFICES OF:  
4 THOMAS G. MORRISSEY  
5 BY: MR. THOMAS G. MORRISSEY  
6 10257 South Western Avenue  
7 Chicago, Illinois 60643  
8 (773) 233-7901  
9 tgm@morrisseylawchicago.com  
10 Appeared on behalf of the  
11 Plaintiff;  
12  
13 THE LAW OFFICES OF:  
14 DEVORE RADUNSKY, LLC  
15 BY: MR. TROY RADUNSKY  
16 230 West Monroe Street  
17 Suite 230  
18 Chicago, Illinois 60606  
19 (312) 300-4479  
20 Tradunsky@drmblaw.com  
21  
22 Appeared on behalf of the  
23 Defendant, Cook County.  
24

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2 WITNESS PAGE  
3 ERIC DAVIS  
4 DIRECT EXAMINATION BY  
5 MR. MORRISSEY: 4  
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7 E X H I B I T S PAGE  
8 PLAINTIFF'S EXHIBIT NO. 1 7  
9 PLAINTIFF'S EXHIBIT NO. 2 48  
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13 PLAINTIFF'S EXHIBIT NO. 10 28  
14 PLAINTIFF'S EXHIBIT NO. 11 28  
15 PLAINTIFF'S EXHIBIT NO. 12 81  
16  
17 \*\*\*\*\*  
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1 (WHEREUPON, the witness  
2 was first duly sworn.)  
3  
4 MR. MORRISSEY: This is the  
5 deposition of Eric Davis taken pursuant to  
6 notice and continued to today's date.  
7 WHEREUPON:  
8 ERIC DAVIS,  
9 called as a witness herein, having been first  
10 duly sworn, was examined and testified as  
11 follows:  
12 D I R E C T E X A M I N A T I O N  
13 BY MR. MORRISSEY:  
14 Q Mr. Davis, I'm going to ask you a  
15 series of questions. I'm going to ask that you  
16 answer the questions orally. If you don't  
17 understand one of my questions, please tell me  
18 and I'll attempt to rephrase it.  
19 Can you state your name and spell  
20 your last name, please?  
21 A My name is Eric Davis, D-a-v-i-s.  
22 Q Mr. Davis, what is your current  
23 position with Cook County?  
24 A I am the deputy director of the  
Department of Capital Planning and Policy for

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1 than a week ago. I believe it was more than a  
2 week ago, yeah.

3 Q Did you receive the Cook County or  
4 the Sheriff's answer to the complaint?

5 A I think I got that together in the  
6 same document or I believe -- yeah, I believe I  
7 did. Yeah.

8 Q Did you receive the interrogatory  
9 answers that you verified for Cook County?

10 A Yeah, I think you or somebody sent  
11 those. I think Troy sent those.

12 Q Well, let's -- for the record, I  
13 haven't communicated --

14 A Yeah, sorry. Yeah, you didn't. You  
15 wouldn't send me anything. I think Troy sent  
16 them, yeah.

17 Q Did you receive any e-mails from TJ  
18 Tyrrell that you reviewed?

19 A Could you be more specific because I  
20 work with TJ on lots of things, so.

21 Q Did you receive any e-mails that had  
22 an attorney by the name of Zach Pestine on it?

23 A I don't remember if I got anything  
24 from him specifically about this case. I don't

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1           **remember anything from him about that.**

2           Q     Did you review any e-mails from March

3     of 2021 in regards to the ADA requirements for

4     a ramp?

5           A     **I believe I did, yes. Yeah.**

6           Q     And did you review an e-mail that you

7     sent to TJ and other members of the Sheriff or

8     Cook County's -- in regards to the ADA

9     requirements for a ramp?

10          A     **That sounds familiar, yes.**

11          Q     Let's take a look at Exhibit Number 1.

12          MR. RADUNSKY: Are you going to put

13     something on the screen?

14          MR. MORRISSEY: I'm sorry. Peggy,

15     can I share this with -- let me go back a

16     step.

17          THE REPORTER: It's on, Tom. So you

18     can share.

19          MR. MORRISSEY: I can share it now?

20     Thank you.

21          THE WITNESS: Tom, so that you know,

22     there is something sticking down blocking

23     part of your screen.

24          MR. RADUNSKY: He's just low on his

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1      **A      No.**2      Q      Mr. Davis, did you hear my question?  
3            MR. RADUNSKY: Yeah, he responded.

4      BY THE WITNESS:

5      **A      I said no. Sorry. Sorry, Tom.**

6      BY MR. MORRISSEY:

7      Q      Other than -- I'm sorry. Other than  
8      Mr. Merkel on Monday of this week which would  
9      have been, what, about the 18th of September,  
10     anybody else that was with you?11     **A      No.**12     Q      Can you tell me your path of travel  
13     on Monday, September 18th?14     **A      I came into the building via the ramp  
15     on the east side and up into the building and  
16     through the building and out the building on  
17     the ramp on the north side.**18     Q      Let me get -- go back a step. About  
19     what time on Monday did you traverse the east  
20     ramp of the RTU building?21     **A      It was probably around -- between  
22     9:30 and 10:00 a.m., something like that.**23     Q      And did you have a prearrangement  
24     with Mr. Merkel to be at the Cook County JailTOOMEY REPORTING  
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1      on that date?

2      **A      I had contacted DFM, and Joe was the  
3      person who was available to escort me.**4      Q      When did you contact the Department  
5      of Facilities Management to inspect the jail?6      **A      I believe I just called him the week  
7      before.**8      Q      Was that by -- did you set it up by  
9      an e-mail?10     **A      No, by phone.**

11     Q      Did you speak with Mr. Tyrrell --

12     **A      No.**

13     Q      -- in order to set up this -- well --

14     **A      No, I spoke with --**15     MR. RADUNSKY: Hold on, Eric. Eric,  
16     Eric, Eric, let Tom finish his question. I  
17     know you're going to anticipate some of his  
18     questions. Okay? It's okay. I mean, just  
19     let Tom finish, and Tom will let you do the  
20     same.21     So, Tom, if you want to start  
22     that again, go ahead.

23     MR. MORRISSEY: Sure.

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1      BY MR. MORRISSEY:

2      Q      Who did you speak with in order to  
3      set up an inspection at the Cook County Jail?4      **A      I spoke with Mike Carberry, who is  
5      one of the DFM managers at the DOC.**6      Q      Did you tell Mr. Carberry why you  
7      wanted to inspect a portion of the Cook County  
8      Jail?9      **A      I don't remember if I did or not. I  
10     don't think so, but I don't remember.**11     Q      Was it prearranged that Joe Merkel  
12     would meet you on Monday morning?13     **A      No, I just needed somebody from DFM  
14     to walk me through. You need to understand, I  
15     walk through the jail at a variety of times and  
16     purposes. I have a 24-hour all-access pass and  
17     I go there for any number of the projects at  
18     the campus that I'm involved in. So I walk  
19     through the jail above and below ground fairly  
20     regularly.**21     Q      When you say that you frequent the  
22     jail on a regular basis, how often are you in  
23     the Cook County Jail building?24     **A      It varies a great deal. Usually**ERIC DAVIS  
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1      **only if I need to go see something in person  
2      that's going on or sometimes I go to walk  
3      through a site to, you know, inspect the  
4      progress of a project or if one of the project  
5      directors or project managers has a question,  
6      something they want me to see. It varies  
7      greatly. But whenever I need to go to the  
8      jail, I go to the jail.**9      Q      On Monday, September 18th, did you go  
10     to the jail to inspect the east ramp leading  
11     from the RTU building?12     **A      I wouldn't say it was an inspection.  
13     I wanted to walk through it to refresh my  
14     memory. There is another project going on that  
15     I really needed to look at over there, so I  
16     just went to both on the same trip.**17     Q      Did you also during that inspection  
18     on Monday want to visualize and inspect the  
19     north ramp leading from the RTU building?20     **A      Yeah, I walked through the ramp. I  
21     wouldn't say I inspected it but I walked  
22     through, yeah.**23     MR. RADUNSKY: That was my only  
24     objection is, I mean, he's calling it aTOOMEY REPORTING  
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1       walkthrough. You're calling it an  
2       inspection.

3       BY MR. MORRISSEY:

4       Q       What other purpose did you have on  
5       Monday, September 18th, to be at the jail?

6       A       I'm not sure that's relevant. You  
7       know, we have a lot of things going on at the  
8       jail that are confidential.

9       THE WITNESS: So I would ask my  
10      counsel is it okay to get into those  
11      specifics?

12      MR. RADUNSKY: I mean, you're right.  
13      It's not relevant but, I mean, you can be  
14      very brief if you just want to tell him  
15      what other things you were doing, that's  
16      fine.

17      BY THE WITNESS:

18      A       I went to walk the site where we have  
19      demolished Division 1 at the north end of the  
20      jail.

21      BY MR. MORRISSEY:

22      Q       Prior to arriving on September 18th  
23      at the Cook County Jail, had you communicated  
24      with your attorney about this case?

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1       MR. RADUNSKY: Objection. That's  
2       attorney-client privilege. Don't answer  
3       it.

4       BY MR. MORRISSEY:

5       Q       My question is did you have -- did  
6       you speak to any member of -- let me rephrase  
7       the question.

8       MR. RADUNSKY: Okay.

9       BY MR. MORRISSEY:

10      Q       In preparing for this deposition, did  
11      you meet with any attorney?

12      MR. RADUNSKY: Objection. That's  
13      attorney-client privilege. Just meet with  
14      any attorney?

15      MR. MORRISSEY: I'm not suggesting --  
16      I'm not asking what --

17      MR. RADUNSKY: That's fine. If you  
18      want to ask him if he's met with an  
19      attorney, no, that's fine. That's fair.  
20      You can answer if you met with an attorney,  
21      yeah.

22      BY THE WITNESS:

23      A       Yeah, I met with an attorney prior to  
24      this deposition. Yeah.

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1       BY MR. MORRISSEY:

2       Q       When did you meet with the attorney?

3       A       I don't remember. It's in my  
4       calendar somewhere. I don't remember.

5       Q       Was it within the last week?

6       A       Yeah. We -- I believe we talked  
7       earlier this week, yeah.

8       Q       Was it in person or on Zoom or on the  
9       phone?

10      A       No, it was virtual.

11      Q       And any other time that you met or  
12      spoke to an attorney about the Westmoreland  
13      versus Dart case?

14      A       Yeah, I think we talked a couple of  
15      weeks ago. There are a lot of actions going on  
16      as you're well aware. So I tried to remember  
17      the specifics for this one but I believe so,  
18      yeah.

19      Q       Now, you mentioned on Monday that --  
20      when you first walked through the east  
21      pedestrian ramp, were you leaving the RTU  
22      building and going up the east ramp?

23      A       No, I was going into the RTU  
24      building, up the ramp and then through the

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1       building and then out the ramp on the north.

2       Q       Okay.

3       A       Or, actually, out the tunnel  
4       connection. I should be clear. The tunnel  
5       connection on the north.

6       Q       Let me go back a step. Is the -- you  
7       mentioned that you walked through initially the  
8       east pedestrian ramp for the RTU, correct?

9       A       Correct.

10      Q       And were you in a tunnel? Did you  
11      have to access that east pedestrian ramp for  
12      the RTU from a tunnel?

13      A       Yeah, from the underground tunnel  
14      system at the jail, yes.

15      Q       Describe what part of the jail you  
16      entered initially on Monday.

17      MR. RADUNSKY: I think he just did,  
18      but you can answer it again.

19      BY THE WITNESS:

20      A       I came through the tunnel and went up  
21      into -- I'm not clear about what you're asking.

22      BY MR. MORRISSEY:

23      Q       You know, to enter the Cook County  
24      Jail, did you come in off of 27th and

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1 California?  
 2       A I came in at Post 5 on California,  
 3 which is my usual access point for that part of  
 4 the jail.  
 5       Q Where is Post 5?  
 6       A Post 5 is on California Avenue  
 7 immediately south of the Criminal Court  
 8 Administration Building or what we call the  
 9 CCAB.  
 10      Q After you walked through Post 5 --  
 11      A Yeah.  
 12      Q -- what area did you initially walk  
 13 through in order to arrive at the east/west  
 14 tunnel?  
 15      A I went -- go ahead.  
 16      Q Give me your path of travel from the  
 17 point you entered the jail at Post 5 and I  
 18 assume you went through a security check there,  
 19 correct?  
 20      A Yes.  
 21      Q And then you exited out in the open  
 22 then, correct --  
 23      A Correct.  
 24      Q -- after Post 5?

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 2 THE WITNESS: I want to ask my attorney  
 3 is this relevant? And I apologize --  
 4       MR. RADUNSKY: Just tell him the  
 5 route that you took to get to the two  
 6 ramps, yeah. I mean, he just wants to know  
 7 the route. I mean, he knows you were out  
 8 there. So if you can, to cut out a lot of  
 9 this, you can explain to him, I mean, the  
 10 exact route that you took to get there and  
 11 be as specific as you can. I think that  
 12 that will get us past all of this much  
 13 quicker, okay?  
 14      THE WITNESS: Yeah.  
 15      MR. RADUNSKY: So go ahead.  
 16 BY THE WITNESS:  
 17      A I met Joe in the lobby. He spoke  
 18 with the deputies at the desk. They let us  
 19 through. I went into the Cermak building with  
 20 Joe. I took the elevator down, and we walked  
 21 through the lower level of Cermak to the tunnel  
 22 and then went into Division 8.  
 23      MR. RADUNSKY: Thanks.  
 24 BY MR. MORRISSEY:  
 25      Q From the lower level of Cermak, does

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 2       Page 21  
 3       A Yes.  
 4       Q And from walking out of Post 5, the  
 5 security checkpoint --  
 6       A Yeah.  
 7       Q -- where did you walk to next?  
 8       A I walked to the Cermak Health  
 9 Services building, and I waited in the lobby  
 10 there to meet Joe.  
 11      Q And in relation to the RTU, is the  
 12 Cermak Health Service building to the east of  
 13 the RTU?  
 14       A Yes.  
 15      Q And is it -- and if you are to walk  
 16 from the entrance from the Cermak building to  
 17 the RTU building, would you be walking north,  
 18 northwest?  
 19       A More west than north. If you're  
 20 walking at grade, yeah, more west than north.  
 21      Q When you entered the Cermak facility  
 22 on the first floor, did you wait in the  
 23 vestibule for Mr. Merkel?  
 24       A Yes.  
 25      Q And after Mr. Merkel arrived, where  
 26 did you go to next?

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1       Page 23  
 2 that connect to a tunnel?  
 3       A Yeah, it connects to the tunnel on  
 4 the lower level.  
 5       Q Approximately from the -- when you  
 6 exited the Cermak building on the lower  
 7 level --  
 8       A Yeah.  
 9       Q -- and walked to the, I believe it  
 10 would be, the top of the east pedestrian ramp  
 11 leading into the RTU, approximately how many  
 12 feet would that be?  
 13       A There, from the inside of Cermak  
 14 through to the tunnel to the bottom of the ramp  
 15 leading on the east side, oh, gosh, let's see.  
 16 I don't know, 100 feet, 150 feet, 200 feet,  
 17 something like that.  
 18       Q Let me -- I'm trying to understand  
 19 the two pedestrian ramps. One is what you  
 20 described as the east ramp. The other one you  
 21 described as the west ramp, correct?  
 22       A No, it's the east ramp and then  
 23 there's a tunnel connection on the north that  
 24 isn't a ramp.  
 25       Q Well, the diagram, the exhibit we

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1 looked at, Exhibit 3 for the RTU building, do  
2 you want me to go back and describe it to you?  
3     **A Yeah, sure.**  
4     Q If we go back to Exhibit 3 --  
5     **A Sure.**  
6     Q -- it discusses two pedestrian  
7 tunnels connecting to adjacent buildings?  
8     **A Uh-huh.**  
9     Q One of those tunnels you said was the  
10 east pedestrian tunnel -- I'm sorry -- east  
11 pedestrian ramp, correct?  
12     **A Yeah, the one on the east is a ramp,**  
13 **yes.**  
14     Q And the one on the north you describe  
15 as a tunnel?  
16     **A Yes.**  
17     Q What is the difference?  
18     **A The difference in terms of the**  
19 **definition relative to the Americans with**  
20 **Disabilities Act has to do with the slope of a**  
21 **walkway. The slope of the walkway in the**  
22 **tunnel connection on the north isn't steep**  
23 **enough to require things like intermediate**  
24 **landings or handrails or whatever. Sidewalks**

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1     Q Within the last year, has any  
2 architectural firm --  
3     **A Not that I'm aware of.**  
4     Q -- measured the rise of what you  
5 described as the north tunnel?  
6     **A Not that I'm aware of.**  
7     Q Do you know if any outside surveyor  
8 has ever measured the rise of the north tunnel?  
9     **A I don't know of anybody doing that.**  
10    Q Do you know of anybody for the  
11 Sheriff's Office or Cook County measuring the  
12 rise of the north tunnel?  
13    **A I don't know, no.**  
14    Q In regards to what you labeled as the  
15 east pedestrian walk, same questions. Did you  
16 on Monday of last -- of this week measure the  
17 rise of the east pedestrian walkway?  
18    **A I did not measure the rise of the**  
19 **east pedestrian ramp, no.**  
20    Q Do you know if any architectural firm  
21 within the last two or three years has measured  
22 the rise of the east pedestrian ramp?  
23    **A I am not aware of that having**  
24 **occurred.**

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1     **and that are allowed to be -- have a pitch to**  
2 **them up to a 1 to 20 pitch without requiring**  
3 **ramps or -- I'm sorry -- landings or handrails.**  
4 **And clearly, that tunnel isn't steep enough to**  
5 **require that.**  
6     Q Did you measure what you described as  
7 the north tunnel, the rise of the north tunnel?  
8     **A No.**  
9     Q Did you take any measurements that  
10 day?  
11    **A No.**  
12    Q Have you ever taken measurements of  
13 what you describe as the north tunnel?  
14    **A No.**  
15    Q Do you know if any member of the  
16 Department of Facilities Management has ever  
17 measured the rise of what you described as the  
18 north tunnel?  
19    **A I have no idea if they have or not.**  
20    Q Do you know if any architectural firm  
21 has ever measured the rise of what you  
22 described as the north tunnel?  
23    **A You mean since it opened? I am not**  
24 **aware of that, no.**

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1     Q Are you aware of anybody from Cook  
2 County government measuring the rise of the  
3 east pedestrian ramp?  
4     **A Not that I can recall, no, but I**  
5 **don't know. I mean Cook County government is**  
6 **thousands of people. I don't know.**  
7     Q Do you know if anybody from the  
8 Sheriff's Office has measured the rise of the  
9 east pedestrian ramp?  
10    **A I have no idea.**  
11    Q What is your definition --  
12      MR. RADUNSKY: Tom, if we're not  
13 sharing the screen, do you want to turn it  
14 off because it's easier to see. I mean, if  
15 you want to still share it, that's fine. I  
16 mean, I'm just telling you. It's just  
17 easier if it's off we can see better.  
18      MR. MORRISSEY: I'm going to share  
19 more exhibits.  
20      MR. RADUNSKY: Okay. That's fine.  
21 Go ahead.  
22      THE WITNESS: Although it looks like  
23 a nice place to ski.  
24      MR. RADUNSKY: I know, yeah.

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1 BY MR. MORRISSEY:

2 Q Did you -- were you asked -- let me  
3 rephrase the question.4 I'm going to show you Exhibit  
5 Number 10. Showing you Exhibit Number 10, do  
6 you see a drawing of what's labeled as the east  
7 tunnel corridor?

8 A Yes, I see that.

9 MR. RADUNSKY: For the record, it's  
10 Bates 2201.

11 BY MR. MORRISSEY:

12 Q Let me show you Exhibit Number 11  
13 now. Let me ask a question about Exhibit  
14 Number 10. What -- did you -- when was the  
15 first time that you actually looked at Exhibit  
16 Number 10?17 A I think this was in material that  
18 Troy forwarded in connection with this case.19 Q Do you know if Cook County government  
20 maintains any architectural drawings in regards  
21 to the RTU building?

22 A I believe it does.

23 Q As the deputy director of Capital  
24 Planning and Policy, do you have access to theTOOMEY REPORTING  
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1 drawings for the RTU building, the architectural  
2 drawings?

3 A If needed.

4 Q How would you as -- in your position  
5 with Cook County locate the architectural  
6 drawings for the RTU building?7 A Standard practice, and we pretty much  
8 follow it as well, is that drawings of this are  
9 either with the building engineer or they are  
10 in a central location. In this case, I think  
11 that they are probably with DFM in the sort of  
12 central drawings repository at the juvenile  
13 temporary detention center.14 Q So why would the Department of  
15 Facilities Management, which is part of Cook  
16 County government, correct?

17 A Uh-huh, yes.

18 Q Why would the Department of  
19 Facilities Management maintain a copy of the  
20 architectural drawings of the RTU?21 A They're managing the buildings. They  
22 need to know what the buildings are.23 Q When a county government building is  
24 erected, let's say, after let's say 2010, areTOOMEY REPORTING  
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1 the architectural drawings for the -- for a  
2 county building, are they provided to Capital  
3 Planning at any stage in the process?4 A Generally, although it's been our --  
5 and we haven't obviously erected a lot of new  
6 buildings since I have been with the County,  
7 but standard practice is to give all of that  
8 stuff to Facilities Management because, as I  
9 said, they run the building then and so they  
10 need that information more than we do.11 Q Would the pedestrian ramps that  
12 connect the RTU to the remaining campus at the  
13 Cook County Jail also be -- architectural  
14 drawings also be in the possession of the  
15 Department of Facilities Management?

16 A I think probably so, yeah.

17 Q Looking at Exhibit Number 10, can you  
18 tell me what this exhibit portrays?19 A It appears to be an excerpt from a  
20 general architectural floor plan drawing  
21 showing an area -- I don't see a north arrow  
22 but just from the orientation of the labels,  
23 I'm assuming north is up in this image and it  
24 indicates the internal corridor, and the topERIC DAVIS  
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1 right indicates the beginning of the access to  
2 the tunnel to the east.3 Q So when we look at the end, would  
4 these be the final blueprints that were used to  
5 construct this east tunnel corridor?

6 A Yeah, probably so.

7 MR. RADUNSKY: I was going to say  
8 when you say "the final blueprints," are  
9 you saying the as-built drawings or the  
10 design or the construction drawings? But,  
11 Eric, you answered. That's fine he  
12 answered.

13 BY MR. MORRISSEY:

14 Q If you look at the top of Exhibit  
15 Number 10 where it says: East tunnel --

16 A Correct.

17 Q -- is that the area in which you  
18 would have entered the -- would have descended  
19 to go into the RTU building on Monday,  
20 September --21 A Would have taken -- it looks like  
22 that's where the ramp is, yeah. I cannot see  
23 the plan of the whole building, but I assume  
24 that's the ramp connection -- or the tunnelTOOMEY REPORTING  
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1 connection there, yeah.

2 Q So you would have left the basement  
3 of the Cermak Health facility, walked through  
4 the east tunnel to get to this -- the top of  
5 this ramp, correct, which is labeled the east  
6 tunnel corridor?7 A I would have left the Cermak  
8 building. I would have walked through the  
9 tunnel to the bottom of the ramp and entered  
10 the building, yes, there where you're  
11 indicating. Yeah.12 Q So right where I'm indicating where  
13 it says: East tunnel at the top. The ramp  
14 descends, correct?

15 A This isn't the plan of the ramp area.

16 Q I'm sorry.

17 A Yeah, this is -- the ramp is to the  
18 right out of the drawing.19 Q Well, I'm confused. It looks like  
20 there is a -- when you go through the east  
21 tunnel for the -- when you came from Cermak  
22 and -- you went through the east tunnel,  
23 correct? And then there are a series of doors  
24 at the top, correct?TOOMEY REPORTING  
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1 A That's what the drawing shows, yes.

2 Q And then when you walked through  
3 those doors, there would be a landing at the  
4 top?

5 A No.

6 Q Flat area?

7 A No. The plan that you're showing is  
8 an area of flat floor that connects. On the  
9 right end is the end of the ramp to the tunnel,  
10 and so the ramp is off the page to the right.  
11 The area here is just regular floor at the  
12 lower level of Division 8. There is no ramp in  
13 this drawing other than the end of it on the  
14 right-hand side. This is the part of the floor  
15 it connects -- there's an area you could see --  
16 there's a sliding door at the bottom at this  
17 area here on the bottom of the drawing. It's  
18 an area that connects to various other rooms.  
19 It connects to a janitor's closet. It's a  
20 standard corridor that has doors on hold-opens  
21 and then once you leave the envelope of the  
22 building, you start the ramp that goes to the  
23 tunnel. So it's the -- you know, that east  
24 tunnel appears to be something that they'reTOOMEY REPORTING  
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1 using to indicate that that's the way to the --  
2 that's the east tunnel to -- or connection  
3 rather of the ramp to the tunnel. So the only  
4 sloping part is at the very right end of the  
5 image where you have that line that crosses the  
6 corridor. That's the beginning of the east  
7 ramp.8 Q I guess I'm confused because the  
9 representation that was given to us, that this  
10 was a diagram of the east pedestrian ramp, and  
11 this Exhibit Number 10 doesn't depict the ramp.

12 Is that fair to say?

13 A I don't know where you got this from.  
14 So I can't say, you know, what somebody was  
15 asked for or what they represented that it is.  
16 I can tell you what it appears to be.17 Q Well, this was produced by defense  
18 counsel and it was represented to be the east  
19 pedestrian ramp for the RTU, but it isn't. Is  
20 that what you're telling me?21 A It appears that it's a little part of  
22 the east ramp.23 Q Can you tell me looking at Exhibit  
24 Number 10 where would the east pedestrian ramp --TOOMEY REPORTING  
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1 what portion of the east pedestrian ramp is  
2 depicted in this?3 A The end of the ramp that connects to  
4 the building. The wall going up and down in  
5 this drawing is the boundary, if you will, of  
6 the RTU building itself. So to the right of  
7 that wall is most likely unexcavated soil,  
8 et cetera. And on the left is inside the  
9 building. So that's -- that wall is the  
10 building line.11 Q So I'm -- just looking at the top of  
12 Exhibit 10, it says east, correct?

13 A Yeah, that's what it says. Yeah.

14 Q And is the ramp at the top there at  
15 the east tunnel?

16 A Yeah, that's the end of the ramp.

17 Q The end of the ramp. All right. So  
18 the ramp would be -- if I'm looking at the top  
19 of this exhibit, it would be to the right?

20 A Correct.

21 Q So nothing depicted in Exhibit 10  
22 reflects the ramp itself?23 A No. It depicts the end of the ramp  
24 on the right-hand side. I think you can seeTOOMEY REPORTING  
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1 the two little thin lines at the bottom and top  
 2 by the corridor, that would appear to be  
 3 depicting the ends of the handrails at the top  
 4 of the ramp. So it indicates a portion of the  
 5 ramp but not the whole -- there's not none of  
 6 the ramp in this image, but the whole ramp is  
 7 not in this image.

8 Q So you're saying that if we look  
 9 right where it says: Align corridor wall with  
 10 tunnel wall, to the right of that, there's a  
 11 couple lines?

12 A Yeah, uh-huh.

13 Q You'd say that those are handrails,  
 14 correct?

15 A That's what they appear to be, yes.

16 Q And it's your understanding that  
 17 this -- that the east pedestrian ramp is  
 18 compliant with the ADA; is that your  
 19 understanding?

20 A It appears to, yes.

21 Q In order to be -- well, let's turn to  
 22 another exhibit. Let's turn to Exhibit  
 23 Number 11.

24 A Excuse me. Can I take just a moment?

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1 I need to close the door to the room that I'm  
 2 in.

3 MR. MORRISSEY: Sure. Go ahead.

4 BY MR. MORRISSEY:

5 Q Showing you Plaintiff's Exhibit  
 6 Number 11, does that appear to be a fair and  
 7 accurate photograph of the east pedestrian  
 8 ramp?

9 A Yeah.

10 Q And if we look at the top of that, it  
 11 says tunnel ramp -- tunnel camera, 0.108 CMK to  
 12 RTU West 2019.

13 A Okay.

14 Q Where the doors -- at the top of the  
 15 picture where the doors are, did you walk  
 16 through those doors in order to -- walk through  
 17 those doors when you left the -- let me  
 18 rephrase the question.

19 In your path of travel from the  
 20 Cermak basement, did you have to walk through  
 21 the -- to the -- through the doorway?

22 A Yeah, I believe so. If this is -- if  
 23 this is of that area, I believe I came from the  
 24 bottom of the -- or the part that's farther

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1 away in this image up the ramp, through the  
 2 doors, I think, if I'm oriented the right way.

3 Q And then you would descend the ramp  
 4 to get into the RTU building?

5 A I believe the ramp goes up into the  
 6 RTU, but I think that's the way -- I think  
 7 these doors that you're seeing here, I believe  
 8 they are the doors that are in the -- on  
 9 hold-opens that they showed in the plan that  
 10 you're looking at, but I could have it  
 11 backwards. I apologize.

12 Q So you don't recall whether or not  
 13 from the basement of Cermak when you walked  
 14 through the tunnel area to reach the east  
 15 pedestrian ramp whether you went up or down to  
 16 enter into the RTU building; is that --

17 A I think I went up and down just to  
 18 have walked it more than once, you know.

19 Q But initially when you entered that  
 20 tunnel, when you exited the basement of the  
 21 Cermak building and walked through the tunnel  
 22 to get to the east pedestrian ramp for the  
 23 RTU --

24 A Yeah, yeah.

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1 Q -- you would have had to have gone  
 2 down the ramp to enter --

3 A Yeah.

4 Q -- into it?

5 A Yeah.

6 Q Is that correct?

7 MR. RADUNSKY: Eric, let him finish  
 8 before you respond, okay?

9 THE WITNESS: Sorry.

10 MR. RADUNSKY: It's okay. I understand.  
 11 I understand what you're doing. I mean,  
 12 just give Tom a chance to get the question  
 13 out. It's okay.

14 BY MR. MORRISSEY:

15 Q Is that correct?

16 A Yes.

17 Q Now, again, you -- do you know if any  
 18 measurements were ever taken of this ramp, the  
 19 east pedestrian ramp by any member of Cook  
 20 County government or the Sheriff's Office?

21 A They may have been, but I don't  
 22 recall hearing -- or reading anything about it  
 23 or knowing about it, no.

24 Q And no outside contractor or

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1 professional firm ever measured it to your  
2 knowledge?

3 A I couldn't say ever. Maybe. I don't  
4 know.

5 Q But not in the -- not to your  
6 knowledge in the last two or three years,  
7 correct?

8 A I don't believe so, no, but it may  
9 have been -- you know, not that I'm aware of,  
10 no.

11 Q On the east pedestrian ramp, is there  
12 an intermediate landing area?

13 A Yes.

14 Q Why is there an intermediate landing  
15 area on the east pedestrian ramp?

16 A That would suggest that the rise to  
17 the -- from the tunnel level at that point to  
18 the lower level floor in the RTU was greater  
19 than 30 inches.

20 Q Did you measure to determine whether --  
21 well, let me ask a preliminary question.  
22 In the bottom picture of Exhibit  
23 Number 11, if you were to measure the rise of  
24 the east pedestrian tunnel, how would you do

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1 A Yeah, I'd probably do right down the  
2 middle, measure what -- you know, from the  
3 offset from there to the middle -- the top of  
4 the part where it slopes.

5 Q So as you descended on Monday into  
6 the RTU building from the east pedestrian ramp,  
7 are there doors at the foot of the ramp that  
8 you have to go through?

9 A I'm pretty sure there are, yeah.

10 Q And is there a flat landing at the  
11 end of the ramp?

12 A I would assume so. Again, I didn't  
13 take any measurements.

14 Q So at that landing area at the foot  
15 of the ramp before you entered into the RTU  
16 building itself, if you were to take a  
17 measurement, would you take a measure from that  
18 flat landing to the top of the east pedestrian  
19 ramp to determine the rise of it?

20 A Yeah, I would take a measurement from  
21 the point at which it begins to slope up to the  
22 top where it stops sloping right down the  
23 middle.

24 Q And if the rise from the bottom to

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1 that as an architect?

2 A I suppose it would depend upon how  
3 exact I needed to be or the purpose for doing  
4 so. If I just needed a rough idea within a  
5 couple of inches, I could count blocks. That's  
6 not a particularly accurate way to do it, but  
7 then there are tools, as you well know,  
8 including a laser level and including have it  
9 surveyed. If I needed to -- for example, if I  
10 needed to make modifications to this, do  
11 architectural drawings to change it, I probably  
12 would have it professionally surveyed.

13 Q And to your knowledge, that hasn't  
14 been done?

15 A I'm sorry?

16 Q That has not been done?

17 A I'm not aware that it's been  
18 surveyed, no.

19 Q Would you -- if you were to  
20 commission an architect or a surveyor to do  
21 that, would you measure it from the bottom of  
22 the east pedestrian ramp which is -- the bottom  
23 of it would be the lower level of the ramp,  
24 correct, which is the flat area, correct?

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1 the top exceeded 30 inches, then you would --  
2 then the ramp would require an intermediate  
3 landing, correct?

4 A That's correct and I think if you  
5 look to the left in this picture, you can see  
6 that the handrail jogs at what to me seemed to  
7 be an intermediate landing. You can see that  
8 the handrail is not straight. It comes up on  
9 an angle, it flattens out and then it angles up  
10 again. So that suggests that there's an  
11 intermediate landing there.

12 Q Are there requirements for an  
13 intermediate landing under the ADA?

14 A For a rise greater than 30 inches,  
15 yeah.

16 Q What are the requirements for the  
17 intermediate landing?

18 A I believe that -- and I would have to  
19 check, I believe that the standard is supposed  
20 to be 60 inches of flat space, and there are  
21 allowances for what are called cross-slopes and  
22 that kind of thing, but I believe it's 60  
23 inches.

24 Q And did you measure on Monday to

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1 see -- let me ask a preliminary question.  
 2 Did you take any measurements of what  
 3 you claim was an intermediate landing on the  
 4 east pedestrian ramp to see whether the  
 5 required 60 inches of space was provided?  
 6 MR. RADUNSKY: Objection, it's been  
 7 asked and answered multiple times, Tom, I  
 8 mean, he's told you that he didn't take  
 9 measurements when he did this walkthrough.  
 10 So, I mean, you keep asking him and he  
 11 keeps saying no. So we'll stipulate that  
 12 he didn't take measurements when he was out  
 13 there the other day on any of these ramps  
 14 for any reason.  
 15 BY MR. MORRISSEY:  
 16 Q To determine whether or not -- let me  
 17 ask a preliminary question.  
 18 It's fair to say that if the rise of  
 19 the east pedestrian ramp was over 30 inches,  
 20 there would have had to have been an  
 21 intermediate ramp, correct?  
 22 A **There should be, yes.**  
 23 Q I'm sorry. Let me rephrase my  
 24 question. There should have been an

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1 intermediate landing to the top of the  
 2 pedestrian ramp to take another reading of that  
 3 rise, correct?  
 4 A **Yes.**  
 5 Q And would that be an appropriate  
 6 measurement for an architect or a land surveyor  
 7 to take to determine whether or not this ramp  
 8 complied with the ADA 2010 standards?  
 9 A **There might be other measurements one**  
 10 **would want to take. As I mentioned, there are**  
 11 **allowances for things called cross-slopes that**  
 12 **allows a landing to pitch one way or the other**  
 13 **a little bit. So I would probably want to know**  
 14 **more. I probably would want to know what the**  
 15 **whole configuration was, again, if I needed to**  
 16 **rebuild or modify the ramp.**  
 17 Q Do you know if the intermediate  
 18 landing pitched either way, whether there was  
 19 any pitch to the intermediate landing?  
 20 A **It appeared that there might have**  
 21 **been but, again, I didn't take any**  
 22 **measurements.**  
 23 Q Going back to March of 2021, we  
 24 talked about there being some e-mails that were

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1 intermediate landing, correct, if the rise of  
 2 the ramp was more than 30 inches, correct?  
 3 A **Yes. There should be an intermediate**  
 4 **landing. And as I said from the handrail in**  
 5 **this picture, it appears that there is.**  
 6 Q And the intermediate landing requires  
 7 at least 60 inches of space, correct?  
 8 A **I believe that's the standard, yes.**  
 9 Q And if the intermediate landing  
 10 didn't have 60 inches, fell below the 60 inches,  
 11 it may not be in compliance with the 2010 ADA  
 12 code, correct?  
 13 A **If that was the case.**  
 14 Q Assuming that there is that  
 15 intermediate landing, the -- you could measure  
 16 the -- from the foot of the ramp, correct, to  
 17 the beginning of the intermediate landing to  
 18 determine that rise, correct?  
 19 A **Yes.**  
 20 Q That's one measurement that an  
 21 architect or a surveyor could take, correct?  
 22 A **Correct.**  
 23 Q And then from the -- you can take  
 24 another measurement from the end of the

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1 exchanged between, I guess, Mr. Tyrrell and you  
 2 in regards to ramps, correct?  
 3 A **I believe there were some e-mails**  
 4 **that I was copied on, yes.**  
 5 Q And there are e-mails that you  
 6 provided to Mr. Tyrrell and Ms. Sabrina  
 7 Canchola and other members of the Sheriff in  
 8 Cook County government in regards to the ADA  
 9 requirements, correct?  
 10 A **I believe, yeah, there were some**  
 11 **replies. I'm not sure if they were about this**  
 12 **ramp or about Cermak or both, but I believe so,**  
 13 **yes.**  
 14 Q And in we go back, before we get to  
 15 the e-mails, if we go back to that Interrogatory  
 16 Number 1 that you answered under oath, Number 3  
 17 discusses an e-mail. Interrogatory Number 3,  
 18 if you want to take a look at it -- I'm sorry.  
 19 Let me see.  
 20 MR. RADUNSKY: I'm sorry. What  
 21 exhibit is this, 1?  
 22 MR. MORRISSEY: It's Exhibit 1.  
 23 MR. RADUNSKY: I thought Exhibit 1  
 24 was the answer to the complaint. Did I

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1 miss that?

2 MR. MORRISSEY: I'm sorry.

3 MR. RADUNSKY: That's okay. That's

4 okay.

5 MR. MORRISSEY: It's Exhibit 2. I'm

6 sorry.

7 MR. RADUNSKY: Okay. Hold on.

8 BY MR. MORRISSEY:

9 Q All right. Looking at Interrogatory

10 Number 2 that you verified for Cook County, if

11 we go to Paragraph 3, it says: On March 8th,

12 2021 at 2:53, Timothy Tyrrell wrote the

13 following in an e-mail: Also I checked the

14 ramp from the same tunnel going into the

15 basement of Division 8. This appears to be

16 slightly out of compliance. I can show you or

17 Sabrina this as well. Looks to me like whoever

18 did the concrete work is to blame for this.

19 Might want to add this one in as well if County

20 is having someone make these ADA compliant.

21 Let me know if you need anything further. And

22 then it says: Identify with reasonable

23 specificity the ramp referred -- referenced in

24 this portion of Mr. Tyrrell's e-mail. The

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1 answer is: The ramp is the east of the RTU in

2 the underground tunnel system.

3 My question is when you made that --

4 when you verified that answer for Cook County,

5 were you referring to the ramp that we have

6 just discussed, the east pedestrian ramp

7 leading into the RTU?

8 A Yes.

9 Q After receiving that e-mail from

10 Mr. Tyrrell, did you talk to him about why he

11 thought the east pedestrian ramp to the RTU was

12 slightly out of compliance with the ADA?

13 A I don't remember speaking to him

14 about it. As I recall, this was actually part

15 of an exchange about the Cermak ramp, and he

16 just sort of added this in. So I probably

17 didn't talk to him about it at the time.

18 Q Since that time, have you talked to

19 Mr. Tyrrell about his observation that the east

20 pedestrian ramp was not in compliance with the

21 ADA?

22 A Yeah. I talked to him about it in

23 passing, and he responded to me because I

24 probably -- he had been deposed or, I don't

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1 know, whatever, and he responded, which is what

2 I thought, he has no expertise to make that

3 kind of an evaluation, so...

4 Q All right. Well, Mr. Tyrrell, is he

5 the manager of Facilities Management for the

6 Cook County campus?

7 A He's one of -- he's a manager, not

8 the manager. There are multiple managers.

9 Q What's his title with Cook County if

10 you know?

11 A I don't -- I don't remember his

12 specific title.

13 Q When did you have that conversation

14 with Mr. Tyrrell?

15 A Oh, probably within -- probably

16 within the last couple of months or something,

17 I suspect, you know, or proximate to the time

18 we started getting questions about this. I

19 don't know. I couldn't say.

20 Q What have you done after having that

21 conversation with Mr. Tyrrell to determine

22 whether or not his observation was correct that

23 the east pedestrian ramp is out of compliance

24 with the ADA?

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1 A So the County is developing a request

2 for qualifications and hopes to issue it very

3 soon for the assessment of the entire campus

4 except for the Cermak building and the Leighton

5 Criminal Courthouse, which you might call a

6 wraparound assessment of the entire campus,

7 which would include this ramp. When we have

8 that firm on board, they would be doing things

9 like, you know, getting -- digging at a very

10 specific level to do things like measure this

11 particular ramp. If they feel that they need

12 to survey it, they will have them survey it.

13 So we are moving to contract someone to give us

14 definitive third-party answers to all of these

15 questions.

16 Q You were deposed several times before

17 about this request for qualifications for an

18 architectural firm, correct?

19 A I believe I was deposed in connection

20 with the Cermak facility, which is not part of

21 what I just referenced.

22 Q Has there been an architect retained

23 pursuant to request for qualification for the

24 Cermak ramp?

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1 MR. RADUNSKY: Cermak or RTU? I  
2 think you just got confused, Tom.

3 BY MR. MORRISSEY:

4 Q You do a distinction, Mr. Davis, in  
5 regards to a request for qualification, and you  
6 excluded the Cermak ramp, correct?

7 A In the wraparound assessment that I  
8 referred to, yes, I'm including Cermak because  
9 we've already hired someone to do Cermak and  
10 they're working right now.

11 Q So that -- when you do a request for  
12 qualifications, that has to go to the County  
13 board initially, correct?

14 A At the time that they're contracted,  
15 yes.

16 Q And then is there another step before  
17 that architectural firm can be hired?

18 A To be clear, the request for  
19 qualifications is issued by our procurement  
20 department. Upon completion of the standard  
21 procurement process and the identification of a  
22 successful vendor and their fees, that proposed  
23 contract is brought to board of commissioners  
24 who votes to approve the contract. There are

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1 some procedural elements after the board  
2 approval that are required to be conducted  
3 prior to issuing a notice to proceed, you know,  
4 for a particular contract, but I can say that  
5 in the case of Cermak, that has been awarded.  
6 They have been issued the notice to proceed.  
7 They are working right now.

8 Q How long did the process take with  
9 Cermak when -- from the time that there was a  
10 request for qualifications to -- that goes out  
11 to the public? It's a public bid, correct?

12 A Yes, it's a public bid. It's a --

13 Q And how long with Cermak, just to get  
14 a gauge of what we're looking at, in regards to  
15 the request for qualifications for the RTU?

16 A So --

17 Q Let's look at how long it took for  
18 the request for qualifications as far as the  
19 Cermak building because it was my understanding  
20 before that was a request that included the  
21 entire DOC campus; isn't that correct?

22 A No, that's not correct. No.

23 MR. RADUNSKY: No.

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1 BY THE WITNESS:

2 A We hired a firm specifically for the  
3 Cermak facility. We are also doing a  
4 wraparound for the balance of the DOC campus,  
5 again, separate from the Leighton Criminal  
6 Courthouse because that's another assessment.

7 So there actually will be three  
8 different contracts involving assessment of  
9 facilities on the DOC campus -- on the 26th and  
10 California campus. The largest one by far will  
11 be the one that I was referring to that will  
12 include the RTU.

13 But to your question about the time,  
14 yeah, generally in the marketplace, you want to  
15 have an RFQ out on the market around a month,  
16 sometimes maybe six weeks depending upon how  
17 complex something is.

18 Q How long was the request for  
19 qualifications in regards to Cermak?

20 A I think it was out a month. I would  
21 be surprised if it was less than that. I don't  
22 recall the exact dates but I would be surprised  
23 if it was less than a month.

24 Q And how long did it take before the

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1 board -- from the time the request for  
2 qualifications went out until the board  
3 approved the contract for the winning  
4 architect, how long did that take?

5 A I would have to check my records. I  
6 don't recall. It's multiple months.

7 Q Was it more than a year?

8 A I don't think it was quite a year,  
9 no. It was awhile but it wasn't quite a year.  
10 No, I don't believe it was a year.

11 Q And then you say after a contract is  
12 awarded, there's still other procedural hurdles  
13 before the architectural firm can begin  
14 marketing?

15 A They're relatively brief. There are  
16 things like having the State's Attorney  
17 double-check the language of the contract.  
18 There are a couple of things that have to be  
19 done by budget but they're relatively brief  
20 before we issue a purchase order to the vendor  
21 and then issue a notice to proceed.

22 Q So as I recall, I deposed you in  
23 January of 2022 and you talked about this  
24 request for qualifications for an architectural

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1 firm, and we're in -- we're almost two years  
 2 out now, and there hasn't been any work  
 3 performed by an architect to determine whether  
 4 the Cermak ramp is compliant with the ADA; is  
 5 that fair to say?

6 MR. RADUNSKY: Just hold on,  
 7 objection. I mean, that relates to the  
 8 walker case and you asked all of those  
 9 questions in the walker case. The Cermak  
 10 ramp is not what we're talking about here  
 11 today, so just object to relevance.

12 MR. MORRISSEY: Well --

13 MR. RADUNSKY: Let me finish my  
 14 objection.

15 MR. MORRISSEY: Sure. Go ahead. I'm  
 16 sorry.

17 MR. RADUNSKY: I just object to  
 18 relevance. If you're trying to get at how  
 19 long is it going to take under the current  
 20 RFQ for them to finally come out and  
 21 inspect it and we're talking about the RTU  
 22 ramp, that's different. So that's my  
 23 objection, Tom.

24 MR. MORRISSEY: All right. That's

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1 protocols for this RFQ; is that correct?

2 A Gosh, I'd have to -- I don't know  
 3 what you're specifically referencing. During  
 4 my six years at the county, yes, the chief  
 5 procurement officer has changed. I don't know  
 6 when you're referring to specifically although  
 7 when -- not that long after the new CPO came  
 8 in, we did do a -- we did change the process  
 9 for those procurements, but I don't know when  
 10 you're specifically asking about.

11 Q Would you agree that the extent of  
 12 the assessment that the new RFQ will cover will  
 13 be much more complicated than just assessing  
 14 one ramp or the Cermak ramp?

15 A Yes, it will be very large. There  
 16 are approximately 60 buildings involved.

17 MR. RADUNSKY: Can we take a break in  
 18 like two minutes? Go ahead, Tom.

19 MR. MORRISSEY: If you want to take a  
 20 break --

21 MR. RADUNSKY: Do you want to do it  
 22 right now? That's fine.

23 MR. MORRISSEY: Do you want to go to  
 24 lunch or is that -- a lunch break?

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1 fine.

2 BY MR. MORRISSEY:

3 Q Is it fair to say that we're about at  
 4 least 18 months later for the Cermak assessment  
 5 of that ramp from the point at which the RFQ  
 6 was released?

7 MR. RADUNSKY: Same objection to  
 8 relevance. You can answer, Eric.

9 BY THE WITNESS:

10 A I don't know. I don't believe the  
 11 Cermak one had been issued when you deposed me  
 12 in January of '22. I believe it was advertised  
 13 later in 2022. I would have to check, but I  
 14 believe that it had, at that time, that we were  
 15 looking to get that or it may have even been in  
 16 procurement being evaluated but hadn't been  
 17 advertised to the street yet. I don't think it  
 18 was out to the street yet in January of '22.  
 19 The procurement process before hitting the  
 20 street can take awhile.

21 Q As I recall from your prior  
 22 deposition that there had been a change in the  
 23 head of the procurement office for the Cook  
 24 County government, and they were developing new

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1 MR. RADUNSKY: Well, let me ask you a  
 2 couple of things. I mean, how much longer  
 3 do you think you're going to go and then  
 4 maybe we can make that decision?

5 MR. MORRISSEY: Maybe I got about an  
 6 hour and a half because I think -- go off  
 7 the record.

8 (WHEREUPON, a short  
 9 break was had.)

10 MR. MORRISSEY: Let's go back on the  
 11 record for Mr. Davis' sake.

12 BY MR. MORRISSEY:

13 Q Previously you said that if you were  
 14 to measure the east pedestrian ramp, you would  
 15 do it down the middle of the ramp, correct?

16 A Yeah.

17 Q And would you use a tape measure or a  
 18 laser?

19 A It depends, again, as I think I said  
 20 before, it depends on the use. If I just  
 21 wanted to get a pretty good understanding of  
 22 the reality, I might use a laser level; but  
 23 otherwise, I would probably hire a professional  
 24 surveyor to do it.

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1 Q Let's assume that the floor at the  
2 foot of the ramp was not level, perfectly  
3 level --  
4 A Okay.  
5 Q -- would that perhaps throw off the  
6 calculation with the laser?  
7 A I wouldn't think so, no.  
8 Q Why -- is there any standard in the  
9 architectural field in regards to how to  
10 measure the rise of a ramp, whether to do it in  
11 the center or along the sides of the ramp?  
12 A I don't know that there is anything  
13 that I would characterize as a standard in the  
14 profession. Most of the time when we do  
15 drawings of things like a ramp, we give an  
16 indication in the plan of the direction of the  
17 ramp with an arrow, and that's usually right  
18 down the middle of the ramp. And then you  
19 would show spot grades at the top and bottom to  
20 indicate what you want to -- you want to go  
21 from this elevation here to this elevation  
22 here.  
23 Q Could there be variants on a ramp  
24 whether -- as far as the rise whether it's

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1 could vary more than an inch and still be  
2 within the standards for a cross-slope on a  
3 ramp.  
4 Q But that's for an exterior ramp.  
5 A No, it's for a ramp. They don't  
6 differentiate. The code does not  
7 differentiate.  
8 Q Would it make more sense since this  
9 is for the ADA to measure the rise of the ramp  
10 along the side where the railings are?  
11 A You're asking me what the code says.  
12 I'm telling you what the code says.  
13 Q So what you're saying is the code is  
14 silent in regards to where on a ramp you would  
15 measure the rise; is that fair to say?  
16 A Correct. I think that's fair to say,  
17 yeah.  
18 MR. RADUNSKY: Can I just ask, I  
19 mean, which code you were referring to just  
20 for the record.  
21 MR. MORRISSEY: I'm referring to the  
22 ADA.  
23 MR. RADUNSKY: Okay. I didn't know  
24 what year. I'm sorry. Obviously it's ADA.

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1 measured in the middle or either the right or  
2 left side of the ramp?  
3 A Of course. If there are --  
4 Q Could that variance be as much as a  
5 half inch?  
6 A I would say definitely, so it depends  
7 on the width of the ramp. The ADA allows  
8 what's called cross-slope. So you have to  
9 understand that the standards for ramps are  
10 written for both interior ramps and exterior  
11 ramps. And an outside ramp, in the presence of  
12 rain, needs to drain. So the ADA recognizes  
13 that ramps can vary and slope slightly so that  
14 water drains off so that ice doesn't collect.  
15 It's really only one standard though. It's the  
16 same standard for an inside ramp as an outside.  
17 So the answer would be, yes. It  
18 could be at a varying height at the top within,  
19 I believe, it's 148 is the standard for  
20 cross-slopes. So if you had a four-foot wide  
21 ramp, which you wouldn't because ramps are  
22 usually five-foot wide. But if you had a  
23 four-foot wide ramp, it could vary up to an  
24 inch. If it was more than four-foot wide, it

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1 What year, the 2010?  
2 BY MR. MORRISSEY:  
3 Q Is there any difference in regards to  
4 the measurement -- where to measure a ramp as  
5 far as measuring the rise between the 1991  
6 standards and the 2010 standards to your  
7 knowledge?  
8 A I'm not aware of either one  
9 stipulating where you make such a measurement.  
10 I'm telling you the architectural convention [sic]  
11 because it gets drawn that way is to do it down  
12 the middle of the ramp just because that's the  
13 most convenient place to put the arrow. But I  
14 don't believe that that's responsive to any --  
15 I'm not aware that that's responsive to any  
16 code stipulation as to where you measure a  
17 ramp.  
18 Q Now, is there a -- in regards to  
19 handrails --  
20 A I want to clarify something in a  
21 previous answer. I said architectural  
22 convention. I mean architectural convenience.  
23 It's easier to put it in the middle of the  
24 ramp. It's not a standard or anything like

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1           that. Sorry. Go ahead.  
 2           Q    In regards to the east pedestrian  
 3   ramp for the RTU, because it's more than  
 4   6 inches, the ramp, there's a requirement that  
 5   there be handrails, correct?  
 6           A    Yes.  
 7           Q    And how far do the handrails have to  
 8   extend beyond the top of the ramp?  
 9           A    Typically, it's 12 inches beyond the  
 10   bottom of the ramp. The answer is it depends.  
 11   Some jurisdictions have different requirements  
 12   that may extend that, but typically it's  
 13   12 inches, I believe.  
 14           Q    So would it be 12 inches that the  
 15   handrails have to extend 12 inches beyond where  
 16   the bottom of the ramp ends?  
 17           A    Beyond the sloping part, if you want  
 18   to say it that way, yeah.  
 19           Q    So the handrails have to extend at  
 20   the bottom of the ramp where it's flat, where  
 21   it begins to be flat, correct?  
 22           A    Correct.  
 23           Q    And would that also be true at the  
 24   top of the ramp?

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1           then the handrails wouldn't be in compliance,  
 2   correct, with the ADA code?  
 3           A    Hypothetically, that would probably  
 4   be the case there. Again, there are some other  
 5   factors like the cross-slope and blah, blah,  
 6   blah but, you know, where the break is, et  
 7   cetera. But, in general, yeah, I would say so.  
 8   That's one of the reasons that we're hiring  
 9   people to get definitive answers to these kinds  
 10   of things.  
 11           Q    In March of -- we already talked  
 12   about it. In March of 2021, one of the  
 13   managers for the Department of Facilities  
 14   Management told you that the -- this east  
 15   pedestrian ramp did not appear to be compliant.  
 16   My question is why 18 months later has Cook  
 17   County, to your knowledge, not done anything to  
 18   determine whether or not Mr. Tyrrell is correct  
 19   that the east pedestrian ramp is not compliant  
 20   with the ADA code?  
 21           A    I disagree with the characterization  
 22   that the County has done nothing. As I said,  
 23   we've been developing an RFQ, which as we  
 24   discussed earlier, would be by far the largest

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1           A    Yes.  
 2           Q    That the handrails have to extend  
 3   12 inches beyond the flat area where the flat  
 4   area begins?  
 5           A    Yes.  
 6           Q    Now, when you were inspecting or  
 7   walking through on Monday the east pedestrian  
 8   ramp, did you notice where the handrails end at  
 9   the top of the ramp of the east ramp?  
 10           A    They appear to extend at least  
 11   12 inches past the top of the sloping part of  
 12   the ramp.  
 13           Q    Did you take any measurement or  
 14   anything?  
 15           A    No.  
 16           Q    How about on Monday, did you happen  
 17   to notice whether the handrails extend 12 inches  
 18   where the bottom of the ramp levels off and is  
 19   flat?  
 20           A    It appeared to also be 12 inches  
 21   beyond the end of the slowing part.  
 22           Q    If your assumption is incorrect and  
 23   the handrails at the top and the bottom of the  
 24   east pedestrian ramp do not extend 12 inches,

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 2           of the assessments that we've been doing on our  
 3   facilities. It takes awhile, but we have been  
 4   developing the wraparound assessment of the  
 5   DOC. So I don't accept your characterization  
 6   that the County has done nothing since then.  
 7           Q    And other than requesting a request  
 8   for a proposal from -- I'm sorry -- request for  
 9   qualification -- Let me go back.  
 10           Has that request for qualifications  
 11   been issued by the procurement office?  
 12           A    Not yet. We're actually -- we're  
 13   getting it out to them to start their process  
 14   here very soon. It's been, as you could  
 15   imagine, a very complicated development, but we  
 16   are looking to have them get that out -- or get  
 17   it to them so they can review it and they can  
 18   get it out in the next month or two.  
 19           Q    So Capital Planning has to prepare  
 20   that request for qualifications, correct?  
 21           A    That's correct.  
 22           Q    And then that will take a month or  
 23   two for Capital Planning to prepare the request  
 24   for qualifications?  
 25           A    I believe you mean to ask will it

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1 take the procurement department a month because  
 2 if we issue it to them today, it would take --  
 3 to procurement today, it would take them one,  
 4 two, three months depending on the size and  
 5 complexity of their workload to actually issue  
 6 it to the street.

7 Q But as of today, Capital Planning  
 8 hasn't forwarded the proposal to procurement to  
 9 request a request for qualifications to  
 10 licensed architects; is that fair to say?

11 A It's 99 percent done. There are a  
 12 couple of things involving forms and things  
 13 that we have to fill out for transmittal that  
 14 I've got to review and get them out, but I'm  
 15 expecting to have it to procurement even  
 16 frankly in the next few days.

17 Q And then it could be to the end of  
 18 this year when the request for qualifications  
 19 actually is issued to the public?

20 A I would expect it would get issued  
 21 probably end of October, beginning of November.

22 Q And then that -- because it's a  
 23 complex request involving multiple buildings,  
 24 correct, how much time are you going to allow

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1 the public to review and determine whether or  
 2 not they want to submit their qualifications.

3 A We'll probably allow at least a  
 4 month, probably six weeks given the size of it.  
 5 There are -- as you know, we have done, are  
 6 doing -- and are doing several of these and  
 7 have hired and actually, as we're talking right  
 8 now, hired two other firms to do other reviews  
 9 of other County facilities at today's Cook  
 10 County Board meeting.

11 We want to make sure we are  
 12 advertising as broadly as possible and  
 13 sometimes it takes awhile for word to reach,  
 14 you know, big national firms that may have a  
 15 small office here but may be great for this,  
 16 and they can move resources for the project.  
 17 We want to make sure we have the best  
 18 opportunity to get the best possible team for  
 19 this. It will be a team. It won't be a single  
 20 firm because it's a very large assignment.

21 Q On Monday after you descended the  
 22 east pedestrian ramp, which way did you have to  
 23 turn to walkthrough the -- I guess you called  
 24 it the north pedestrian -- you called it a

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1 tunnel. I'm going to call it a ramp.

2 A I believe when I exited the top of  
 3 that ramp, I think you turn right. If I  
 4 remember, I think you turn right and then you  
 5 go through the doors that are in that plan  
 6 excerpt that you have and you go down that  
 7 corridor and then you go -- or, no, it might  
 8 be -- no, I take that back. It might be left.  
 9 I would have to see. Out of there, it might  
 10 be -- I believe it's left. Yeah, I'm pretty --  
 11 okay. Yeah, I'm turned around. Yeah, I  
 12 believe it's left at that point.

13 Q So I'm correct, on Monday, you walked  
 14 out of the basement of Cermak, you went through  
 15 a tunnel and then you reached the top of the  
 16 east pedestrian ramp, correct, and you decided --

17 A No.

18 Q -- and you descended that ramp?

19 A No.

20 Q No?

21 A No. I came from the -- I walked -- I  
 22 walked through the east ramp. I believe I went  
 23 back and forth once, and then into the RTU and  
 24 then out the north entrance, the north tunnel

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1 entrance.

2 Q So did you physically go into the RTU  
 3 building --

4 A Yes.

5 Q -- first? Let me rephrase it. After  
 6 you walked through the east pedestrian ramp,  
 7 after you walked that ramp, you went into the  
 8 RTU building, correct?

9 A Yes.

10 Q And did you meet with anybody in the  
 11 RTU building?

12 A No.

13 Q Why did you --

14 A I was with Joe Merkel, but we didn't  
 15 meet with anybody else.

16 Q Why did you go into the RTU building  
 17 at that time?

18 A Because that was the easiest way to  
 19 get to the north tunnel entrance. I wanted to  
 20 walk through both.

21 Q So the east tunnel and the north  
 22 pedestrian ramp, in order to access it, you  
 23 have to go into the RTU building?

24 A To go from the east ramp to the north

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1      tunnel entrance, yes, you have to walk -- you  
 2      walk into the RTU, and then you go to the north  
 3      tunnel entrance. So you'd walk through the  
 4      lower level of the RTU, yes.

5      Q      Describe the north pedestrian ramp.  
 6      How long is it?

7      A      The north tunnel is -- there's a  
 8      tunnel connection there and, again, I don't  
 9      characterize it as a ramp. It's quite long.  
 10     It's a very shallow slope, but it's quite long.  
 11     I want to say it's more than 50 feet long but I  
 12     could be -- that's just a guesstimate. I  
 13     didn't measure it.

14     Q      Did you measure the slope of the  
 15     north ramp?

16     MR. RADUNSKY: Asked and answered  
 17     multiple times, Tom. You know he didn't  
 18     measure anything when he was out there on  
 19     Monday. I think he said it eight or nine  
 20     times now.

21     But, Eric, you can answer the  
 22     question again.

23     BY THE WITNESS:

24     A      I did not measure the north tunnel

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1      connection out of the RTU.

2      BY MR. MORRISSEY:

3      Q      If the north -- Let me ask a  
 4      preliminary question. When you left the RTU  
 5      building to proceed to the north tunnel/ramp,  
 6      were you looking up? Would you have ascended  
 7      the north tunnel ramp to go back into the DOC  
 8      campus?

9      A      My recollection is that the tunnel  
 10     connection out of the lower level of the RTU to  
 11     the overall tunnel system is slightly -- sloped  
 12     down slightly, but I could -- I believe it  
 13     sloped down, yeah.

14     Q      So from the RTU building, if one  
 15     wanted to connect using the north tunnel/ramp,  
 16     you would be descending to enter into the main  
 17     tunnel system at the jail; is that what you're  
 18     saying?

19     A      I believe that's right. But, again,  
 20     I was really headed to Division 1, so I was  
 21     just kind of walking through.

22     Q      If the slope of the north tunnel ramp  
 23     was steeper than 1 to 20, would that require  
 24     handrails?

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1      A      Yes.

2      Q      Do you know if there are any  
 3      architectural drawings of this north  
 4      tunnel/ramp?

5      A      There probably are. We're trying to  
 6      find out if there are other drawings. I  
 7      haven't been successful yet, but...

8      Q      What efforts have you taken  
 9      personally to determine if there are drawings,  
 10     architectural drawings?

11     A      I actually asked Joe when I was out  
 12     there, and he suggested -- because sometimes,  
 13     like I mentioned, sometimes they're on site.  
 14     And so I tend to ask around to some of the  
 15     other people who may have the drawings. I did  
 16     ask about somebody on our floor that takes care  
 17     of some drawings upstairs, and there wasn't  
 18     anything upstairs in our building at 69 West  
 19     Washington. So I would assume that DFM has  
 20     them somewhere. I've just got to ask around  
 21     and find them.

22     MR. RADUNSKY: And for the record, I  
 23     mean, if there are more drawings like we  
 24     said, Tom, we'll be happy to produce them.

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1      I know that this is something that we have  
 2      been talking about for a while. But we're  
 3      still actively looking like we have told  
 4      you. It's not giving up the fight.

5      BY MR. MORRISSEY:

6      Q      Well, aren't -- if the building was  
 7      built, completed in 2015, logically wouldn't  
 8      they be scanned into a computer system?

9      MR. RADUNSKY: I have -- off the  
 10     record.

11     MR. MORRISSEY: I'm not asking you,  
 12     Troy.

13     MR. RADUNSKY: Oh, I'm sorry. I'm  
 14     sorry. Go ahead.

15     MR. MORRISSEY: I don't depose  
 16     lawyers.

17     MR. RADUNSKY: That's true. I  
 18     thought we were having a different  
 19     discussion. Go ahead. Sorry.

20     Re-ask the question. Ask your  
 21     question.

22     BY MR. MORRISSEY:

23     Q      Mr. Davis, wouldn't they be --  
 24     wouldn't the drawings have been scanned if the

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1 building was completed in 2015?

2 A I wouldn't know why. It would be --  
 3 again, I wasn't working at the County in 2015,  
 4 so I don't know what their processes were at  
 5 that time. It would be my assumption that they  
 6 would have a hard copy, a printed copy  
 7 someplace and there probably also would be  
 8 digital files. So you wouldn't need to scan  
 9 them because you probably have the digital  
 10 files, but I haven't found them yet but I  
 11 could -- you know, I plan to keep looking.

12 Q Do you know who the architectural  
 13 firm was that designed the RTU building?

14 A I don't know who the architect of  
 15 record was. I know that Roula Architects was  
 16 involved in it. They may have been the  
 17 architect of record. I think another firm was  
 18 the design architect, but I'm not sure. I know  
 19 Roula was involved, but I don't know whether  
 20 she was the designer or the architect of  
 21 record.

22 MR. RADUNSKY: Can you spell that,  
 23 Eric, Roula?

24 THE WITNESS: Roula is spelled

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1 like that, the contractor is responsible for  
 2 providing the owner with what are called  
 3 as-built drawings. As to whether or not they  
 4 keep the as-builts themselves, I have no idea.  
 5 I think the warranty period is either only one  
 6 or two years on a new building like that except  
 7 for equipment. So they may or may not keep  
 8 them. I really don't know.

9 Q If the -- do you have an idea what  
 10 the rise of the north tunnel ramp is?

11 A Again, I don't believe it's a ramp.  
 12 I think it's a corridor. There is a rise to  
 13 some degree. I don't know what it is. It did  
 14 seem to be less than the rise on the east side,  
 15 but I can't speak to it one way or the other  
 16 and I haven't taken any measurements.

17 Q Generally, if the -- generally for  
 18 a -- what does the ADA define as a ramp?

19 A The definition of a ramp is somewhat  
 20 complex and has certain exceptions. But in  
 21 general, any continuous walkway that's longer  
 22 than I believe it's 3 feet that is of a slope  
 23 greater -- or greater -- or 1 to 20 or greater,  
 24 then it's considered a ramp and needs to have --

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1 R-o-u-l-a. I believe that was Roula's Web  
 2 page that Tom was showing us earlier.

3 MR. RADUNSKY: Okay.

4 MR. MORRISSEY: R-u --

5 MR. RADUNSKY: R-o-u-l-a, Tom.

6 MR. MORRISSEY: Okay.

7 BY MR. MORRISSEY:

8 Q And they're an architectural firm in  
 9 Chicago?

10 A Correct. And I know they were  
 11 involved in the project but, like I said, I  
 12 wasn't working at the County. I don't know if  
 13 she was the design architect and somebody else  
 14 was the architect of record or if somebody else  
 15 was the design architect and she was the  
 16 architect of record. I don't know. Typically  
 17 you have both on a project that size.

18 Q Do you know who the contractor was?

19 A I believe it was Walsh.

20 Q Typically, in your experience, does  
 21 the general contractor maintain architectural  
 22 drawings for 10 or 20 years?23 A I don't know what the standards are  
 24 for maintaining them. Typically in a projectTOOMEY REPORTING  
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1 and is subject to things like the maximum rise  
 2 before you have an intermediate landing,  
 3 requires handrails, requires the, you know, the  
 4 traffic surface and all that kind of -- not  
 5 traffic surface, not on ramps.

6 THE REPORTER: Requires what? What  
 7 did you say?

8 BY THE WITNESS:

9 A I'm sorry. There's a requirement for  
 10 stairs of a change in the floor material so  
 11 that you're walking along and you have an  
 12 auditory ability to know, oh, there's a stair  
 13 coming. But I believe that since a ramp is a  
 14 continuous surface that a ramp doesn't have  
 15 that requirement, but it does have the  
 16 requirement for handrails, and it does have the  
 17 requirement for intermediate landings.

18 THE WITNESS: Did you get that,  
 19 Peggy?

20 THE REPORTER: Yes.

21 BY THE WITNESS:

22 A In general, anything with a slope of  
 23 1 to 20 or greater is considered a ramp in the  
 24 ADA.

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1 BY MR. MORRISSEY:

2 Q Give me a moment. When you inspected  
3 the north tunnel ramp on Monday, was there a  
4 handrail?

5 A So when I walked through --

6 MR. RADUNSKY: Objection. Thank you.  
7 You beat me to it, Eric. Go ahead.

8 BY THE WITNESS:

9 A You mean when I walked through the  
10 north corridor there was no handrail there,  
11 correct.

12 BY MR. MORRISSEY:

13 Q There was no -- there was neither a  
14 handrail on the right or left side of the north  
15 tunnel/ramp, correct?16 A That's my recollection. There was no  
17 handrail in the tunnel.18 Q Approximately how many feet was the  
19 north tunnel ramp?20 A I think I answered that before, but  
21 my recollection it was on the order of 50 feet  
22 or more.

23 Q Was there any intermediate landing?

24 A I didn't perceive one.

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1 it might be.

2 Q In the last year or two in -- to your  
3 knowledge, have you been in Division 4?

4 A Yes.

5 Q And have you been in an area where  
6 there was a metal temporary ramp over a flight  
7 of stairs?8 A I just -- and excuse me. I want to  
9 check with counsel.10 THE WITNESS: I thought this was  
11 about the RTU.12 MR. RADUNSKY: It is. I mean, he can  
13 ask about this. This is all part of the  
14 lawsuit, too. This ramp also --

15 THE WITNESS: Oh, this is?

16 MR. RADUNSKY: Yeah, yeah, this is  
17 fair. This is fine. Let him ask. Yeah.

18 THE WITNESS: All right. Sure.

19 MR. RADUNSKY: Uh-huh.

20 BY THE WITNESS:

21 A Yeah, I -- there -- and forgive me.  
22 I -- there is a, I believe it's aluminum,  
23 aluminum ramp, a convenience ramp there.TOOMEY REPORTING  
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1 Q Did you -- did you also walk through  
2 or inspect the Division 4 last Monday?

3 A No.

4 Q Have you been in the -- in Division 4  
5 in the last six months?6 A In the last six months, I believe so,  
7 yeah. I think we walked around the -- because  
8 we are doing some exterior renovations on  
9 Division 5, which is right next to it. I think  
10 we walked through. I don't remember if we went  
11 into 4 or not. I don't think we went into 4.12 Q I'm going to show you a photograph in  
13 regards to Division 4. It's Exhibit Number 12.14 Showing you a photograph that's  
15 depicted in Exhibit 12, do you recognize that  
16 as being that metal ramp at the bottom of  
17 Exhibit 12?

18 Do you see that?

19 A So the picture is not very clear. I  
20 see something at the end of the corridor, which  
21 it's not -- the resolution, it's just -- there  
22 are too many pixels. It's hard to tell whether  
23 that is or not. I don't -- I mean, I can't  
24 tell you one way or the other. It looks likeTOOMEY REPORTING  
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1 BY MR. MORRISSEY:

2 Q Does the ADA have a provision that  
3 permits -- let me ask a question, a preliminary  
4 question.5 How familiar are you with -- well,  
6 let me ask something initially. Where -- to  
7 your recollection, where is this aluminum ramp  
8 located in the Division 4 building? Is it in  
9 the basement?10 A So there is a corridor that connects  
11 Division 4 to the, what's called, the Division 4  
12 gym, and I believe this is an image from a  
13 ceiling-mounted camera in that corridor. There  
14 are -- it's a double-loaded corridor. There  
15 are small rooms to either side, sort of  
16 classroom-size rooms, a series of them that  
17 lead to a stair that takes you up to the  
18 entrance level of Division 4. The temporary or  
19 convenience ramp on the right is, I believe,  
20 something that's been put there. We didn't --  
21 Capital, as best I know, didn't put it there  
22 that connects to the corridor level which is  
23 basically the same level as the gym, which is  
24 east of Division 4, to the entry level whereTOOMEY REPORTING  
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1 the security desk is at Division 4. So it  
2 connects up there.

3 I should note that there is a -- from  
4 this level, there is a tunnel immediately below  
5 this corridor that is a part of the tunnel  
6 system that goes underneath the middle of the  
7 gym and goes all the way in Division 5. At the  
8 back of the gym, there is an elevator from the  
9 tunnel level to this level and also when you  
10 walk down this tunnel all the way to the end to  
11 that stair, at the top of that stair at that  
12 level, there is also an elevator that takes you  
13 to the entrance level of Division 4.

14 So from an accessibility standpoint,  
15 you can access either this level or the  
16 entrance level of Division 4 via elevators from  
17 the tunnel. You don't need to take this ramp.  
18 That's why I refer to it as a convenience ramp.

19 Q You're familiar with the U.S. Access  
20 Board Technical Guide for Ramps and -- Curbs  
21 and Ramps?

22 A In general, yes.

23 Q I'm going to show you -- to your  
24 knowledge, under the ADA or the Access Board

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1 Technical Guide, is there any such thing as  
2 what you call a convenient ramp -- convenience  
3 ramp?

4 A I don't recall whether there is or  
5 not. That's just my characterization of it.  
6 My evaluation in a sort of preliminary nature  
7 is that it's not required to access this level  
8 or the level up above, but there may be items  
9 in the Access Board or something like that that  
10 would speak to this. I don't know.

11 Q Would you -- in the exhibit that's in  
12 front of you, the photograph of the -- you  
13 would call this the lower level of Division 4?

14 A I would call it ground level of the  
15 Division 4 gym because this is really the part  
16 that -- the same floor level as the gym that --  
17 you could turn around. You would be walking  
18 into the gym.

19 Q In this ground level of Division 4  
20 where the gym is, would you characterize that  
21 metal, quote, unquote, convenience ramp as  
22 portable?

23 A Yes.

24 Q And based upon your understanding of

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1 the ADA requirements, can a ramp be portable?

2 A Yes. There are times where, for  
3 example, if you have, you know, a concert,  
4 right, and you build a stage and the stage is  
5 temporary, it still has to be accessible. And  
6 the people that sell portable stages also  
7 provide accessible ramps to those portable  
8 stages. So I believe that there are accessible  
9 ramps that are portable.

10 Q Do you know if this basement area of  
11 Division 4 was used for voting in --

12 A I have no idea.

13 THE REPORTER: I'm sorry. What was  
14 the question?

15 MR. RADUNSKY: Hold on. You guys are  
16 talking over -- yeah, exactly.

17 MR. MORRISSEY: Let me ask the  
18 question again.

19 MR. RADUNSKY: Okay. Start again.

20 BY THE WITNESS:

21 A My fault. I'm sorry.

22 BY MR. MORRISSEY:

23 Q This basement area of Division 4  
24 where the gym is located was used in February

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1 of 2023 for municipal voting?

2 A It's my understanding that they used  
3 the gym for voting. I don't know if they used  
4 this part of the building also or not.

5 Q I'm going to turn you to Exhibit  
6 Number 8.

7 MR. RADUNSKY: Tom, what was that  
8 exhibit, that last one, that picture? Was  
9 that 12?

10 THE REPORTER: It was 12.

11 MR. RADUNSKY: It was 12, Peggy?

12 Thanks.

13 BY MR. MORRISSEY:

14 Q I'm showing you Exhibit Number 8.  
15 It's U.S. Access Board Technical Guide. You're  
16 familiar with these technical guides by the  
17 Access Board, correct?

18 A Yes. And I believe that the diagram  
19 that you're showing parenthetically is actually  
20 something that I provided in conversation about  
21 the Cermak ramp, which was a different case.  
22 I'm very familiar with this.

23 Q Okay. So we'll come back to the  
24 diagram, and we can look at what you sent to

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1 Merkel and everybody else which was a cut and  
2 paste of this initial diagram but if we go to  
3 Page 17 of this Group Exhibit 8.

4 MR. RADUNSKY: I'm sorry. Tom, you  
5 said 17 total --

6 MR. MORRISSEY: Yeah.

7 MR. RADUNSKY: How many total pages,  
8 17? Thanks.

9 MR. MORRISSEY: I don't know.

10 BY MR. MORRISSEY:

11 Q There's a question and answer, and it  
12 says: Can ramps be portable and provided after  
13 construction as an adaptation, and it states:  
14 All required ramps and curb ramps must be  
15 permanent and installed at the time of  
16 construction or alterations with few  
17 exceptions.

18 Does that -- is that consistent with  
19 your understanding in regards to portable ramps  
20 not being permissible under the ADA?

21 A As I -- an example that I gave  
22 earlier when I noted about a temporary stage  
23 where at the end of this paragraph it says:  
24 Only ramps serving temporary structures can be

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1 mentioned, is a way that I'm referring to it.

2 Q Do you know if the lower level of  
3 Division 4 where the gym and those classrooms,  
4 I believe, is that a temporary structure down  
5 there, the gym and the classrooms in the lower  
6 level of Division 4?

7 A No. It's a permanent structure.

8 Q So the temporary exception wouldn't  
9 apply to the ramp that's depicted in screen  
10 shot 12, in Exhibit 12, correct?

11 A No. As I said, if an analysis  
12 indicated that it was required to be a ramp  
13 there, if it was required, as it says in this  
14 paragraph then, yes, it should be permanent.  
15 I'm not aware -- just from looking at it on a  
16 cursory basis, it doesn't appear to me that a  
17 permanent ramp would be required in that  
18 location.

19 Q Why not if it's -- you personally  
20 walked through the basement of Division 4.  
21 You've seen that portable metal ramp that's  
22 covering the stairway, correct, many times?

23 A Yes.

24 Q Why then would you consider that just

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1 temporary or portable.

2 That's the kind of example I was  
3 referring to in that case because I believe  
4 your question was can a ramp be portable, and I  
5 believe that a ramp can be portable if it's  
6 with a temporary structure. At the top of this  
7 paragraph is the word required. All required  
8 ramps and curb ramps must be permanent.

9 It is not clear to me right now, and  
10 I have not done the investigation whether or  
11 not the ramp that you're showing in the picture  
12 is a required ramp or is a ramp for  
13 convenience.

14 If it was a ramp that was required,  
15 then, yes, it should be permanent, but it's not  
16 clear to me whether or not that particular ramp  
17 was required.

18 Q You used the word "convenience."  
19 Where is that in the ADA code? Is that defined  
20 in the code?

21 A I think I referred to it as a term  
22 that I was using, that I'm referring to it as a  
23 convenience ramp. I don't know if that term  
24 is -- appears at all in this. That's, as I

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1 a temporary ramp for convenience if it's there --  
2 if the Sheriff or the County has left that  
3 temporary -- let me rephrase it.

4 In the multiple times that you have  
5 seen that metal structure over the stairs in  
6 the lower level of Division 4, why is that  
7 permissible under the ADA and not a required --  
8 and why isn't there a permanent ramp at that  
9 location if it's used for programs and services  
10 for disabled people to access?

11 MR. RADUNSKY: Eric, I don't  
12 understand the question, but you can answer  
13 it if you do. Go ahead.

14 THE WITNESS: Yeah, I do.

15 MR. RADUNSKY: Okay.

16 BY THE WITNESS:

17 A So first I want to correct and remind  
18 you that the photograph that you showed is  
19 really of the ground level. You can walk down  
20 this corridor and turn to either side and go  
21 out a door at grade. So it is the ground floor  
22 level that we are looking there in that  
23 photograph that you had. So -- and then as I  
24 answered earlier, if you are -- if you have a

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1 detainee who is disabled and you need to move  
 2 them to Division 4 and, let's say, that you're  
 3 up in the gym and you have to go to Division 4,  
 4 as I mentioned, just, if you will, back stage,  
 5 literally behind the stage in the gym is an  
 6 elevator that takes you to the lower level.  
 7 There is a tunnel. Immediately below this  
 8 corridor, there is a tunnel, a part of the  
 9 tunnel system.

10 So if I'm in the gym and, let's say  
 11 somebody is -- you used the example of voting.  
 12 Let's say I'm voting in the gym. The deputy,  
 13 as far as accessibility, can take someone to  
 14 the elevator, can take them down to the lower  
 15 level of the tunnel, can take them through the  
 16 tunnel which runs underneath this corridor, can  
 17 take them to the elevator that's in Division 4  
 18 and can take them up to the ground floor of  
 19 Division 4.

20 There is a fully accessible route  
 21 from the Division 4 gym to Division 4, and  
 22 that's why I referred to this as a convenience  
 23 ramp from my admittedly cursor analysis and,  
 24 again, it will be part of the overall study.

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1 might bring food if there was that kind of  
 2 thing or laundry, things like that, for  
 3 convenience.

4 But, no, I couldn't speak to whether  
 5 the sheriffs use this for somebody in a  
 6 wheelchair or not. We don't -- that's not part  
 7 of what Capital Planning does, and I have not  
 8 seen it.

9 Q To your knowledge, if the Sheriff  
 10 used this metal structure to transport disabled  
 11 detainees for programs and services in the  
 12 lower level of Division 4, that wouldn't be  
 13 compliant with the ADA, correct, using that  
 14 structure as a ramp would not be in compliance  
 15 with the ADA?

16 A Again, I don't -- I can't speak to  
 17 the operational side. I honestly don't -- I  
 18 would have to investigate what the rules are in  
 19 a secure environment for operations. I don't --  
 20 I don't know if that's -- you know, because  
 21 somebody is there pushing them, I don't know if  
 22 that allows them to use a steeper ramp. I  
 23 honestly don't know because we don't do  
 24 operations.

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1 It appears that a ramp in this location is not  
 2 required to provide access either to the ground  
 3 floor level or to the Division 4. I would also  
 4 note as a Sheriff's deputy, they have physical  
 5 requirements of the ability to walk, climb  
 6 stairs, lift things, et cetera that make it  
 7 that you don't need a ramp in that location for  
 8 a Sheriff's deputy.

9 Q All right. My question is do you  
 10 have any knowledge whether or not the Sheriff  
 11 at times uses this metal portable structure in  
 12 the basement of Division 4 to transfer  
 13 wheelchair users or people with disability to  
 14 the lower level of Division 4 for programs and  
 15 services?

16 A I can tell you that I've never seen  
 17 that. I don't know whether they do or not.  
 18 I'm Capital Planning. We build the buildings.  
 19 We don't operate them. The Sheriff operates  
 20 the building. So I can't say one way or the  
 21 other whether they did. As I said, it's a  
 22 convenience ramp. I do know that there's a  
 23 kitchen close by, for example, that they bring  
 24 food on carts. This would be the way that you

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1 Q To your knowledge, that metal  
 2 structure is there all the time, correct? The  
 3 metal portable ramp has been there each time  
 4 you have been in the lower area of Division 4  
 5 in the last two or three years, correct?

6 A I can't say if -- when I have been to  
 7 the ground level of Division 4 if it's been  
 8 there every single time. I believe so. But  
 9 they may have moved it. So, again, I can't say  
 10 whether it's been moved or not. I have no  
 11 idea.

12 Q And would you agree that the rise of  
 13 that metal structure that's used as a ramp is  
 14 greater than 6 inches?

15 A Yes.

16 Q So if that was used as a ramp by the  
 17 Sheriff to move detainees to programs and  
 18 services in the lower level of Division 4,  
 19 there would have to be handrails, correct?

20 A Again, I don't know what the  
 21 requirements are if, in a secure environment,  
 22 you're pushing somebody in a wheelchair. So I  
 23 really can't say one way or the other. I don't  
 24 know what the applicable standard would be

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1 because it's a different condition when someone  
 2 is in custody and in a secure environment. I  
 3 don't know what the requirements are  
 4 operationally.

5 Q Do you know if there's any different  
 6 requirements for a ramp under the ADA for -- in  
 7 a custodial setting, in a correctional setting?

8 A My recollection from other  
 9 investigations is that there are circumstances  
 10 where it's allowed to be different. I believe  
 11 the term in the applicable ordinance or law is  
 12 if it's an operational necessity for the law  
 13 enforcement personnel, but I don't know -- I  
 14 can't say definitively one way or the other. I  
 15 think there's some kind of exception but I  
 16 can't give you the exact parameters of it.

17 Q Let's turn to Exhibit 7 which you  
 18 spoke of. Showing you Exhibit 7, do you  
 19 recognize this as an e-mail that you sent to  
 20 Timothy Tyrrell and other members of the  
 21 Sheriff and the Cook County including --

22 A Yes.

23 Q -- Joe Merkel and Sabrina Canchola?

24 A That's correct. This is an e-mail

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1 about the Cermak ramp, and you see I sent them  
 2 this in connection with that, questions about  
 3 that.

4 Q Where is this diagram limited to the  
 5 Cermak ramp?

6 A It says in the subject of the e-mail,  
 7 Cermak ramp.

8 Q Do you know if the requirements for  
 9 this under the ADA for the Cermak ramp are  
 10 different than the requirements for the two  
 11 pedestrian ramps in the RTU and the Division 4  
 12 movable metal contraption that's in the lower  
 13 level of Division 4? I don't know how to  
 14 describe it.

15 MR. RADUNSKY: I know you don't. I  
 16 know you're trying. It's funny. Do your  
 17 best.

18 BY MR. MORRISSEY:

19 Q Anything under the ADA code? Do you  
 20 understand the question?

21 A I think I understand the question.

22 Q Let me rephrase it, make it better.  
 23 We've looked at the north, and we've looked at  
 24 the east tunnel ramp for the RTU. We've looked

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1 at the north tunnel ramp for the RTU, and now  
 2 we've looked at the portable metal structure  
 3 that's over the stairways in the lower level of  
 4 Division 4.

5 Is there any difference as far as the  
 6 ADA requirements for a ramp -- for those ramps  
 7 as opposed to the Cermak ramp? Do they all  
 8 have to comply with your diagram?

9 A So, again, and this relates to the  
 10 excerpt from the Access Board that you referred  
 11 to earlier. In those circumstances where a  
 12 ramp is required, this is part of -- or helps  
 13 clarify what the definition is of an accessible  
 14 ramp, and the example in the RTU from my  
 15 walkthrough is that there is a ramp on the east  
 16 side connecting to the tunnel and the RTU that  
 17 is required to be an accessible ramp; and from  
 18 what I have seen, is an accessible ramp. There  
 19 is also a connection out of the RTU to the  
 20 north to the tunnel, which does not appear to  
 21 be an area where a ramp is required.

22 So in those circumstances where a  
 23 ramp is required for accessibility, this  
 24 illustrates many of the characteristics of a

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1 ramp if it's to be considered accessible.

2 Q So for the division -- let's take  
 3 Division 4, the portable metal fixture over --  
 4 I shouldn't call it a fixture. Portable metal  
 5 structure that's over the staircase. It  
 6 certainly has a rise over 6 inches, correct?

7 MR. RADUNSKY: Asked and answered.

8 BY THE WITNESS:

9 A Yeah.

10 MR. RADUNSKY: You can answer. Go  
 11 ahead. Yeah.

12 BY THE WITNESS:

13 A Yeah, I think, Tom, for people of our  
 14 age, I think the term thingamabob also applies  
 15 but the structure, the ramp-ish structure there  
 16 in Division 4 connecting the ground level by  
 17 the gym to the entry level of 4 is greater than  
 18 6 inches and, yes, would -- yeah, it's greater  
 19 than 6 inches.

20 BY MR. MORRISSEY:

21 Q And if -- therefore, if it is a ramp,  
 22 then it would have to have handrails, correct?

23 A Correct. If the analysis of the  
 24 building as a whole and, again, the ADA is a

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1 don't know, correct?  
 2 A I have not measured it. That's  
 3 correct. I can only tell you about my  
 4 perception from walking through it.  
 5 Q Okay. Why --  
 6 A And again --  
 7 Q Let me ask you this. Let me ask you  
 8 a very basic --  
 9 MR. RADUNSKY: You guys are  
 10 interrupting each other. One at a time.  
 11 BY THE WITNESS:  
 12 A Let me finish my answer. That is one  
 13 of the things that when we assess the entire  
 14 campus, we will make an affirmative  
 15 determination of that.  
 16 BY MR. MORRISSEY:  
 17 Q Do you have a general oversight of  
 18 capital improvements at the Cook County Jail?  
 19 A Yes.  
 20 Q Why then in your capacity as a deputy  
 21 of Capital Planning, why wouldn't you just  
 22 simply measure the north ramp to determine if  
 23 there was any validity to this complaint?  
 24 How long would it take you as an

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1 A Correct.  
 2 Q And you walked through all of these  
 3 areas in part to prepare for today's  
 4 deposition, correct?  
 5 A Yeah. I wanted to walk through it  
 6 again, yeah.  
 7 Q And you, as an architect, have access  
 8 to a ruler, correct?  
 9 A In the digital age, I couldn't tell  
 10 you -- I have one somewhere. A straight ruler,  
 11 I'm not sure I have a ruler handy because I  
 12 don't do manual drawings anymore. I probably  
 13 have one somewhere.  
 14 Q And you knew it was -- these  
 15 questions were going to be asked of you whether  
 16 or not the north and the east ramp were  
 17 accessible according to the County's opinion  
 18 and yet you didn't do any measurements,  
 19 correct?  
 20 Is that fair to say?  
 21 MR. RADUNSKY: Objection. Hold on.  
 22 Objection. It's argumentative. He's asked  
 23 and answered, you know, but you can -- go  
 24 ahead. You can answer, Eric.

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1 BY THE WITNESS:  
 2 A I want to add some additional  
 3 information. I didn't know it was Joe that was  
 4 going to be walking me through until that  
 5 morning when I was walking the sight. I knew  
 6 somebody from DFM, but I didn't know it was Joe  
 7 Merkel until that morning.  
 8 BY MR. MORRISSEY:  
 9 Q But you knew the -- you were going to  
 10 be questioned today about whether, from the  
 11 County's standpoint, these ramps were  
 12 accessible or not, I assume, correct?  
 13 MR. RADUNSKY: Again, it's  
 14 argumentative.  
 15 You can answer.  
 16 BY THE WITNESS:  
 17 A I knew that you were going to be  
 18 asking -- I thought you were only going to be  
 19 asking about the RTU ramps. I didn't  
 20 remember -- or realize you were going to talk  
 21 about Division 4; but, yeah, that's why I  
 22 wanted to refresh my memory about what they  
 23 looked like and also knowing that we're in the  
 24 process of hiring somebody to find a definitive

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1 architect to measure?  
 2 A Well, first of all, I generally  
 3 wouldn't have the tools. You know, as I said,  
 4 if you wanted a rough idea, you could probably  
 5 count the block coursing but that's pretty  
 6 inexact. If I thought it was close and I  
 7 needed to measure it, I would need to use  
 8 something like a laser level or a transit,  
 9 which I don't have and I don't know how to  
 10 operate. I would hire somebody or have someone  
 11 do it.  
 12 Q Previously, you used Joe Merkel,  
 13 correct, for the Cermak ramp?  
 14 A I believe that Joe was assigned to do  
 15 that by TJ at the time. I don't think that was  
 16 a stipulation that Capital Planning asked for.  
 17 I'm glad that he did. He seemed to be correct,  
 18 but I don't believe that was a direction that  
 19 came from Capital Planning.  
 20 Q Joe Merkel has a laser from what I  
 21 gather or has access to a laser, correct?  
 22 A A laser level, yes.  
 23 Q Yeah, and he was with you on Monday,  
 24 correct?

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1 the responses until early in the new year, you  
 2 know, first part of January just because it's  
 3 hard to get people to respond to things in that  
 4 time of year.

5 Once we have those, they have to be  
 6 evaluated. As I said, we have to score them  
 7 and then we do the walkthroughs probably in,  
 8 let's see, by then it will be February, March,  
 9 something like that. We'll walk through the  
 10 site with them. We'll negotiate. We'll expect  
 11 to have them under contract -- I'm sorry --  
 12 have agreement with them in, like, maybe April,  
 13 May, something like that. And it would go to  
 14 the County board then, you know, May, June,  
 15 July, something in that area. The County board  
 16 approval is a two-month process because you  
 17 introduce things, and then they are voted upon  
 18 the following month.

19 So we would hope to have them under  
 20 contract before the end of the summer, but I  
 21 don't know how long that will take. There are  
 22 any number of factors that could affect that.  
 23 I would like to get it sooner than that, but  
 24 that's kind of the environment in public

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1 I think it's fair to say it's a reflection of  
 2 the commitment to our department to addressing  
 3 these issues.

4 The Department of Justice came. They  
 5 issued the Barrier's Report. They did not  
 6 cover the whole campus. We're covering the  
 7 whole campus. So, you know, we're trying to be  
 8 as diligent and thorough and objective as we  
 9 can but it takes time.

10 Q So their assessment, best case  
 11 scenario, isn't until, let's say, December of  
 12 2024. Do they then give you a report, Capital  
 13 Planning, or do they give it to the Sheriff?  
 14 How does that go?

15 A We're the owners of the -- the Bureau  
 16 of Asset Management are the owners of the  
 17 facility. We would review their assessment at  
 18 that time. It would be my expectation that we  
 19 would review them with folks and the Sheriff at  
 20 that time to get their input because they know  
 21 the operations of the facility, what their  
 22 needs are. Sometimes, and I would expect  
 23 during assessment, they would probably have  
 24 consultations with the Sheriff because there

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1 procurement that -- that's what we work in.

2 Q Is there any time estimate when they  
 3 do their assessment?

4 A Okay. So let's follow that  
 5 hypothetical. Let's say we get them the  
 6 board-approved contract by the end of summer of  
 7 24. So they're under contract. They're going  
 8 to have to walk the whole site, which it's  
 9 going to be a team, not an individual. It will  
 10 be multiple firms. You know, they would be  
 11 doing assessments. I would expect it would  
 12 take them six months to do those assessments  
 13 because that's a lot. So we're probably  
 14 looking, you know, next fall, winter before we  
 15 have their preliminary assessments, and then  
 16 they're going to have to do a bunch of drawings  
 17 and that sort of thing as well to sort of  
 18 illustrate their recommendations, and so it's  
 19 probably the following year before we've got,  
 20 you know, things that we can break out in  
 21 individual packages.

22 Again, this is -- you're talking  
 23 about a campus that is approximately 5 million  
 24 square feet. It's an enormous enterprise, and

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1 are elements of operation that may affect what  
 2 you do and don't need. You know, what are  
 3 areas that are secure and have these  
 4 limitations? What are areas that are not  
 5 secure? And then, you know, access to the  
 6 public, those kinds of things. So I would  
 7 expect they would be -- we would be putting  
 8 them in contact with people from the Sheriff's  
 9 Office during the assessment, certainly during  
 10 their walk-arounds. And, yes, once they have  
 11 an indication of, you know, here's what we  
 12 think, we probably would go through with the  
 13 Sheriff too, yeah. But at the end of the day,  
 14 Asset Management owns the buildings.

15 Q So the report -- what would the  
 16 report be entitled? What's the title of the  
 17 report?

18 A I have no idea. I have no idea.

19 MR. RADUNSKY: Speculation, right.

20 BY THE WITNESS:

21 A It could be called any number of  
 22 things. Some version of, you know,  
 23 Accessibility Assessment of the Department of  
 24 Corrections Campus or something like that. I

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1 don't know. You know, something like that.

2 BY MR. MORRISSEY:

3 Q Is there any priority given to  
4 pending litigation to speed up this process?5 A Well, since -- I would give an  
6 example. We did accelerate the Cermak ramp or  
7 the Cermak building assessment out of that  
8 larger goal frankly to get you answers faster  
9 because it was easier to take a single firm on  
10 a single assignment and break that out because,  
11 quite frankly, to answer questions related to  
12 litigation.13 It wasn't until this stuff started  
14 arriving for this that we got something about  
15 the RTU because it's a new building, why would  
16 there be anything to look at there.17 So, you know, we're trying to be both  
18 thorough and, yeah, responsive. Yeah. You  
19 know, it's certainly fair to say that we broke  
20 out and accelerated the assessment of the  
21 Cermak building in part in response to  
22 litigation, but I think it's in the taxpayer's  
23 best interest that we get our arms around the  
24 whole problem rather than randomly breakingTOOMEY REPORTING  
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1 things out depending upon which building you  
2 decide to sue us about.3 Q The report for the Cermak ramp you  
4 mentioned, has that been tendered to Capital  
5 Planning?6 A I haven't received that yet, but this  
7 is about the RTU. One of the key people was  
8 very ill and I had expected frankly to have  
9 this before today, but we haven't received it.  
10 He was not doing well. So we don't -- I hoped  
11 to get it this week, but that's not going to  
12 happen.13 MR. RADUNSKY: There's a free  
14 question on the Walker case for you, Tom,  
15 and answer.

16 BY MR. MORRISSEY:

17 Q So basically, Joe Merkel points out a  
18 problem in March of 2021 involving the east  
19 ramp for the RTU that the structure does not  
20 appear to qualify -- appears to be not in  
21 compliance with the ADA. The County will not  
22 have a report or do any type of analysis of it  
23 until sometime, at best, in December of 2025  
24 more than four and a half years later; is thatTOOMEY REPORTING  
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1 fair to say?

2 MR. RADUNSKY: Tom, your question was  
3 correct but you said Joe Merkel and not TJ.4 MR. MORRISSEY: I'm sorry. Let me  
5 rephrase it.

6 BY MR. MORRISSEY:

7 Q TJ Tyrrell points out a problem as  
8 the manager of Facilities Management in March  
9 of 2021, says the north ramp leading to the RTU  
10 does not appear to be ADA accessible. I'm  
11 sorry. The east ramp. I'm sorry. I have it  
12 wrong.13 He says the east ramp doesn't appear  
14 to be compliant with the ADA. It won't be  
15 until December of 2025 before the Cook County  
16 or the Sheriff does an assessment to determine  
17 whether or not TJ Tyrrell's observation is true  
18 or not; is that fair to say?19 A TJ made a random comment in the  
20 middle of a series of discussions about Cermak,  
21 which, as I mentioned, we have accelerated and  
22 are moving forward on. Honestly, that was  
23 really the focus at that point.

24 He was asking a question about an

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1 almost new building, which, to my mind, if you  
2 see a comment like that it's like, yeah, it's  
3 probably fine, you know, because it's a  
4 building, and besides TJ wouldn't know one way  
5 or the other. We'll get to it, but I wouldn't  
6 say that that -- in the absence of your  
7 lawsuit, that doesn't necessarily identify it  
8 to us as a priority at that point.9 And, again, we're trying to balance  
10 the urgent needs, in this case Cermak, with the  
11 larger need to get our arms around the whole  
12 project.13 So your question suggests a level of  
14 indifference that I would think is completely  
15 uncalled for.

16 Q Well --

17 A No, no. I want to finish this. When  
18 you took a minute's break, I checked -- I have  
19 to check my e-mails because I get 60, 80  
20 e-mails at a time. The two that I responded to  
21 during that one-minute break were both about  
22 ADA issues on completely different matters.  
23 Okay?

24 So we're working all over the map

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about this stuff. Okay? And I have to say I really object to any insinuation that we're not being as aggressive and efficient and thorough and professional as we can be. This is really important. It's important to the County at a policy level. It's important to me personally as a professional. And so your comment suggests a level of indifference that is, I think, just not warranted. It takes time to buy things in government because there's lots of questions because the money is the public's. It's not like the private sector. It takes awhile. And so, yeah, I mean, is it going to take awhile to get this, yeah, you're talking about 5 million square feet. Okay? So, I mean, we're getting there as efficiently as we know how to do balancing, like I said, with things like Cermak because, okay, let's accelerate that. But if every time somebody makes some random comment in an e-mail, hey, I don't know if this looks right, we stop everything and we go look at that, we'd never get anything done.

Q Do you know Sabrina Canchola?

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A Yes.

Q The Sheriff's ADA coordinator?

A Yes.

Q And does -- Sabrina or somebody from the Sheriff's Office can provide a business case report to Capital Planning to have some type of improvement of their facilities, correct?

A Yes.

Q In a business case?

A Yes.

Q You're aware that Sabrina Canchola in fiscal year 2019 provided a business case in regards to ADA assessments and improvements in Division 2, 4, 6, 9 and 10, you're aware of that?

A Yes. And we put it in the CIP and there was every effort to do that. You mentioned before the challenges that we've had because of the change with the procurement director and the need to completely re-do our templates. We tried once with the old method because it was 2019 and then had to back up and completely renegotiate what the basic format of

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these RFQs and RFPs were. They used to be RFPs. They are now RFQs.

We also, as you know well, attempted to acquire architects on a task order basis, which was denied by the Board of Commissions. Some of the elements that Sabrina was asking about would have been able to be addressed had we been able to do that. But as you know from other litigation, we were denied the opportunity to do that. We have been trying as best we can. We are certainly not ignoring Sabrina's request. We are trying to find the best and fastest way to get this stuff done.

Q The CIP is what, capital planning --

A CIP, the Capital Improvement Plan. It's approved by the board of commissioners every November. It's a public document.

Q And you recall that in that business case, Sabrina Canchola said Division 10 is a maximum security division with no ADA compliant housing. Detainees with mobility disabilities that require auxiliary aides but do not require medical housing are housed in Divisions 2, 4, 6, 9 and 10 and the only ADA housing that

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are -- that comply with the 2010 standards are Cermak and the RTU and that detainees are not provided accessible cells, toilets and showers. This was in 2019.

My question is what, if anything, has been done since April of 2018 to provide accessible housing for disabled people at the Cook County Jail?

THE WITNESS: Troy, you had -- is there an objection?

MR. RADUNSKY: There is. I mean, it's just objection to relevance. There's other divisions, other housing. I don't see what it has to do with the RTU. I mean, if you could focus it on the RTU, that would be great.

Eric, I mean, I can't tell you not to answer the question so go ahead and just, you know, I guess, be brief.

BY THE WITNESS:

A Tom, there was a long preamble. Can you repeat the question part?

BY MR. MORRISSEY:

Q The question is you're aware of

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1 Sabrina's business case in April of 2018 where  
 2 she said that at the jail, there's little or no  
 3 accessible housing for disabled people.

4 My question is from April of 2018 to  
 5 the present, the County is now getting around  
 6 to doing a request for qualifications for --  
 7 from architects to assess whether or not -- the  
 8 degree in which these divisions are not  
 9 accessible for disabled people; is that  
 10 correct?

11 A No --

12 MR. RADUNSKY: Hold on. Same  
 13 objection. I also, again, just object to  
 14 relevance. Her e-mail is in reference to  
 15 other divisions.

16 Subject to that, go ahead. You  
 17 can answer, Eric.

18 BY THE WITNESS:

19 A And I object, Tom, to your  
 20 characterization of now getting around to  
 21 implying that there have been no actions taken  
 22 to that point.

23 Her business case was received. It  
 24 was included in the request to the Board of

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1 Commissioners, which was approved. As I  
 2 mentioned before, there were challenges in  
 3 getting somebody hired, multiple challenges.  
 4 We have tried many different ways to crack this  
 5 particular nut and only recently have been able  
 6 to be successful enough to push something out  
 7 to the street to address that.

8 But to say now "getting around to," I  
 9 think is a mischaracterization of our efforts.  
 10 I would also note that her request was only 2,  
 11 4, 8 and 10 or whatever you listed where we're  
 12 actually expanding it beyond that to include  
 13 the entire campus and all of the horizontal  
 14 surfaces and not just the buildings.

15 So we're actually taking a more  
 16 aggressive, more inclusive approach to  
 17 addressing it than even she asked in that. We  
 18 are not doing nothing. We have been trying any  
 19 number of ways to get this done.

20 As I mentioned, we broke out a piece  
 21 of it because of the time. Cermak had not been  
 22 assessed. So we broke Cermak out and  
 23 accelerated that. So to say that, you know,  
 24 we're just getting around to it I think

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1 mischaracterizes the County's action.

2 BY MR. MORRISSEY:

3 Q Well, let me rephrase it. The  
 4 request for qualifications which will go out at  
 5 some point maybe this year is going to address  
 6 the concerns that Sabrina raised in April of  
 7 2018 in her business case, correct?

8 A It will include those, yes.

9 Q I'm not finding fault with Capital  
 10 Planning or you personally, but that's just the  
 11 nature of government; is that fair to say?  
 12 That it takes that long to actually do an  
 13 assessment when the client, and I suppose  
 14 Sabrina Canchola would be considered a client  
 15 of Capital Planning, raises an issue in regards  
 16 to ADA accessibility?

17 A That's correct, yes. And I would  
 18 note just by the way we are -- this fall in  
 19 October, are going to be submitting for  
 20 approval in November a Capital Improvement Plan  
 21 where we were not able to address all of the  
 22 requests that our various user agencies did.  
 23 The top three priorities for the projects that  
 24 we did advance are life safety, ADA and

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1 anything that's building critical systems.  
 2 Those projects all went through. It is an  
 3 absolute priority. We've set it in writing  
 4 many times. It is a first-level priority for  
 5 us in developing our capital plans.

6 MR. MORRISSEY: All right. I have  
 7 nothing further. Thanks for your day and  
 8 hopefully you can interview that person.

9 THE WITNESS: Yeah, I got six minutes  
 10 to go, but I appreciate your efforts to get  
 11 me done before 2:00 o'clock.

12 MR. RADUNSKY: No questions. We will  
 13 reserve signature.

14 MR. MORRISSEY: All right. Thanks.

15 FURTHER DEPONENT SAITH NOT...

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1 IN THE UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION

4 EUGENE WESTMORELAND, )  
5 )  
6 Plaintiff, )  
7 )  
8 vs. ) No. 21-cv-4330  
9 )  
10 THOMAS DART, Sheriff of )  
11 Cook County, COOK COUNTY, )  
12 ILLINOIS, OFFICER E. )  
13 ARREGUIN, and NURSE )  
14 JEFFERSON, )  
15 )  
16 Defendants. )

17 I, ERIC DAVIS, being first duly  
18 sworn, on oath, say that I am the deponent in  
19 the aforesaid deposition, that I have read the  
20 foregoing transcript of my deposition,  
21 consisting of pages 1-132 inclusive, taken at  
22 the aforesaid time and place and that the  
23 foregoing is a true and correct transcript of  
24 my testimony so given.

ERIC DAVIS

20 SUBSCRIBED AND SWORN TO  
21 me before this \_\_\_\_\_ day  
22 of \_\_\_\_\_, A.D. 2023.

23 Notary Public

24  
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1 STATE OF ILLINOIS )  
2 ) ss:  
3 COUNTY OF C O O K )

4 I, Peggy A. Anderson, a Certified  
5 Shorthand Reporter in the State of Illinois do  
6 hereby certify:

7 That previous to the commencement of  
8 the examination of the witness, the witness was  
9 duly sworn to testify the whole truth  
10 concerning the matters herein;

11 That the foregoing deposition  
12 transcript was reported stenographically by me,  
13 was thereafter reduced to typewriting under my  
14 personal direction, and constitutes a true  
15 record of the testimony given and the  
16 proceedings had;

17 That the said deposition was taken  
18 before me at the time and place specified;

19 That the said deposition was  
20 adjourned as stated herein;

21 That I am not a relative or employee  
22 or attorney or counsel, nor a relative or  
23 employee of such attorney or counsel for any of  
24 the parties hereto, nor interested directly or  
indirectly in the outcome of this action.

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1 IN WITNESS WHEREOF, I do hereunto set  
2 my hand this 23rd day of October, 2023.

3  
4   
5   
6  
7 Peggy A. Anderson  
8 Certified Shorthand Reporter  
9 License No. 084-003813

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